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HANSARD'S PARLIAMENTARY DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

8° & 9° VICTORIÆ, 1845.

VOL. LXXXII.

COMPRISING THE PERIOD FROM

THE FOURTH DAY OF JULY,

TO

THE NINTH DAY OF AUGUST, 1845.

Sixth and Last Volume of the Session.

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1845.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FIFTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 4 FEBRUARY, 1845, IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SIXTH AND LAST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, July 4, 1845.

MINUTES. BILLS *Public.*—1ª. Seal Office Abolition.
2ª. Jurors (Ireland).
Reported.—Real Property Conveyance (No. 2).
3ª. and passed:—Banking (Ireland) Bishops' Patronage (Ireland).
Private.—1ª. Norwich and Brandon Railway (Diss and Dereham Branches); London and South Western Metropolitan Extension Railway; Glasgow Junction Railway; Irish Great Western Railway (Dublin to Galway).
2ª. Saint Helen's Improvement; Oxford, Worcester, and Wolverhampton Railway; Oxford and Rugby Railway; Great Southern and Western Railway (Ireland); Dublin and Belfast Junction Railway; Cork and Bandon Railway; Great Western Railway (Ireland) (Dublin to Mullingar and Athlone); Great North of England, Clarence and Hartlepool Junction Railway; Richmond (Surrey) Railway; Liverpool and Manchester Railway; Newry and Enniskillen Railway; Waterford and Limerick Railway.
Reported.—Taw Vale Railway and Dock; Belfast Improvement; Manchester and Birmingham Railway (Ashton Branch); Ashton, Stalybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches) Railway; Ulster Railway Extension; Manchester, South Junction, and Altrincham Railway; Eastern Counties Railway (Ely and Whittlesea) Deviation; London and Brighton Railway (Horsham Branch); Londonderry and Enniskillen Railway; Chester and Birkenhead Railway Extension; Chelsea Improvement; North Wales Railway; Liverpool and Bury Railway (Bolton, Wigan, and Liverpool Railway and Bury Extension); Scottish Midland Junction Railway; Middlesbro' and Redcar Railway; Cockermouth and Workington Railway; Falmouth Harbour.
3ª. and passed:—Quinborowe Borough; Leeds and Thirsk Railway; Great North of England and Richmond Railway; Totnes Markets and Waterworks; Blackburn and Preston Railway; Eastern Union Railway Amendment.
PETITIONS PRESENTED. From Landowners and others, of St. Helen's, Lancaster, against, and from the same places, in favour of the Saint Helen's Improvement Bill.

BANKING (IRELAND) BILL.] On Motion of the Earl of *Ripon*, Bill read 3ª. An Amendment made.

The Marquess of *Clanricarde* proposed the insertion of a clause, as a rider, to empower the Hibernian and Royal Bank, in Dublin, to exercise equal privileges with the other banks; which, under this Bill, would have the power of issuing notes in Dublin. These two banks had been going on under the impression that these privileges would some day or other be conceded to them.

The Earl of *Ripon* felt it his duty to oppose the clause, but he did not wish to argue the question over again. The parties had been informed, as early as the year 1839, that no promise had been held out

to any abstract notions of political economy.

Lord *Brougham* said, that no one felt more deeply than he the necessity of supporting the maritime defensive strength of the country; but he was for supporting it by the true and legitimate mode of increasing the commerce of the country, by the removal of its restrictions, by removing the fetters which bound up trade, and by giving every possible facility to the employment of capital, and by these means increase the already vast amount of the commercial resources of England. The coasting trade was a most valuable branch of those resources, and the nursery of our seamen. In estimating the state of the coasting trade, his noble Friend opposite totally forgot the increase of the coal mines, consequent on the increase of the metropolis; in the last sixty or seventy years the consumption of coals had been doubled. He totally dissented from the position that they were bound to discourage the inland trade for the sake of encouraging any other branch of commerce.

Lord *Stanley* stated, with reference to the number of ships and men engaged in the whale fishery, that the decrease which had taken place was not attributable to the reduction of duty on foreign whale oil. It was true that a great decrease had taken place between 1832 and 1842; but this was concurrently with the maintenance of the highly protective and almost prohibitory duty of 26*l.* 10*s.* per tun on foreign oil. In 1832, the price of whale oil in this country was 61*l.* per tun; in 1840, it had risen to 104*l.*; in 1832, 81 ships, of 26,393 tons, and employing 3,645 men, were engaged in the northern whale fishery; in 1842, the duty remaining the same, the number had fallen to 18 ships, of 5,400 tons, and employing only 810 men altogether. But since the reduction of the duty on the foreign article, on the contrary, a great increase in the trade had taken place; for, since 1842 to the present time, the number of ships had arisen from 18 to 32, the tonnage from 5,400 to 8,955, and the number of men employed from 800 to 1,440.

Lord *Colchester* called the attention of the Government to the great importance of maintaining the coasting trade, and particularly the sea-borne coal trade; because the seamen who were brought up in it, were formed in the very best school of their profession; and it was almost the only nursery left. If it should be destroyed, there must necessarily be an increase in the Estimates. He had no wish to see coals dear; but he trusted the Government would look seriously at the question with a view to keep up our maritime superiority.

The Earl of *Haddington* said, a greater blow could not be struck at our naval power than by the loss of the great nursery of seamen offered by the coal trade, from any considerable diminution of the number of ships engaged in the carriage of coals from the north of England. It would be satisfactory to their Lordships to know, that the coasting trade was now in the most vigorous condition, and increasing rather than diminishing. The general shipping of the country was also on the increase. The opening of the trade in the interior of the country was not at all likely to diminish the coasting trade. On the contrary, the cheapness that would be so caused, would create a greatly extended market; and if coals could be brought from the north to the other parts of the coast more cheaply than by railway, the demand would be supplied from that quarter. But of course the interior could be supplied direct by railway more cheaply than if they were brought round by sea to some part of the coast, and then sent overland.

Lord *Kinnaird* said, the quality of the Newcastle coals was superior to all the inland coal; and they always commanded a preference. The noble Marquess need be under no apprehension on that account; but he would recommend the noble Marquess to break up the monopoly at the coal pits. At the time of his visit to the district, coals were being shipped to France at 2*s.*, which, when sent to Dundee, were charged 6*s.* The coal owners were bound by regulation to produce only a certain quantity.

Lord *Wharncliffe* thought the monopoly was now entirely broken up, and that the trade was perfectly free.

The Marquess of *Londonderry* did not regret that he had brought forward this Motion; his sole object in doing which was to call their Lordships' attention to the importance of maintaining the coasting trade. There could be no doubt that the coal owners would prefer to send their coals to London by land carriage, if they found it the cheaper mode of conveyance. With regard to what was called the monopoly, an immense number of new collieries had lately been brought into the field to extend the supply, owing to railroads and other causes, which had lowered the price in

London considerably; the new concerns not having so heavy rents to pay, or so great capital invested. The price of a ton of coals at the mouth of the pit was 7*s.* 6*d.*, while the freight to London consumed an equal sum, and the difference between 15*s.* and 26*s.*, the price at which they were delivered to the consumer, went to pay the port dues and corporation taxes of London. He thought it a great hardship that the individual coal owners should only have one-third of the price; and the fact was, that the best coals were sold in London at a loss.

The Duke of *Wellington* would say only one word in favour of a corporation with which he felt it an honour to be connected, he meant that of the Trinity House. He entreated their Lordships, in their resolution to maintain the coasting trade, not to lose sight of the lights on the coast of England, and of their immense importance to navigation.

Returns ordered.

OXFORD, WORCESTER, AND WOLVERHAMPTON RAILWAY.] Lord *Brougham* presented a petition from various parties praying to be heard by counsel against the Oxford, Worcester, and Wolverhampton Railway.

Lord *Redesdale* said, he would take this opportunity of stating that a gross fraud had been practised upon the public by the Oxford and Worcester Company, which had adopted the broad gauge. When canvassing the public, they offered to carry iron ore at a penny per mile; but when they drove the rival line out of the field, they raised the charge to three-halfpence per mile.

Lord *Hatherton* did not think it likely that the Committee of the House of Commons could have been duped in the manner the noble Lord seemed to suppose; and he believed that the ironmasters of Staffordshire were much too sharp in looking after their own interests to allow any measure to be carried which might be prejudicial to those interests. It was required that a maximum toll clause should be inserted in all Railway Bills; but he believed nine-tenths of the manufacturers were very well satisfied with the low rate of charges which had hitherto been levied upon coal and iron. He believed that the rejection by the other House of Parliament of a line of railway projected by the London and Birmingham Company had had the good effect of preventing that company from possessing the monopoly they would otherwise have enjoyed in the iron districts.

The Marquess of *Clanricarde* said, it was worth while, as a matter of curiosity, to refer to the prospectus originally issued by the London and Birmingham Company, and the promises they then made, and to compare them with the prices charged by that company during part of the last and the preceding year. It would then be evident that no company had ever made such an attempt to deal unfairly by the public; for at the very time they raised their charges to a most unjustifiable height, their dividends were very great, and the price of the stock was immensely high. It was only because the attention of the country was called to the subject, and because threats were held out that means would be taken to compel them to lower their charges, that those charges were reduced.

Lord *Brougham* did not think it had been shown that the Committee of the House of Commons had not been duped. He knew that two instances had lately occurred in which the grossest frauds had been practised on Committees of the House of Commons. In one case, a gentleman named Whateley, a barrister, who intended to oppose the Bill, withdrew his opposition on the company promising to introduce a clause which would prevent the line of railway from passing close to his house; but when the Bill was passed, no such clause had been inserted. Another similar case had also occurred.

Lord *Redesdale* was understood to say, that the London and Birmingham Company had never raised their rate of charges, except in the case of the mail trains. The petition presented by the noble and learned Lord could be referred to the Committee, who would inquire into the matter.

After a few words in explanation from Lord *Hatherton* and Lord *Redesdale*,

The Duke of *Richmond* said, he considered it most desirable that Parliament should come to some understanding as to the tolls to be charged by railway companies. Scarcely two Bills had been introduced into Parliament in which it was proposed to charge similar rates of toll. It appeared to him that the best mode of remedying the difficulty would be to pass an Act providing that they would revise the rate of tolls charged by railway companies every five years. That step, in his opinion, would prevent the injurious re-

sults of monopoly, and secure the public interests; but, as one of the selected Members, he wished to guard himself against being supposed to express any opinion on this or any other Railway Bill which came before that House.

Subject at an end.

RAILWAY AND OTHER BILLS.] Order of the Day for resuming the Adjourned Debate on the 3rd Resolution (see June 3) read.

Lord *Brougham* then proposed the Third Resolution affecting the Standing Orders of their Lordships' House which he had submitted to the House yesterday, and the consideration of which had been postponed until to-day. The noble and learned Lord read the Resolution.

The Earl of *Wicklow* said, he objected to this Resolution, the effect of which, in his opinion, would be to induce the opponents of railroad projects to defer their opposition until the Bills came into their Lordships' House, under the expectation that they would then obtain their costs. He believed that this Resolution would not only prevent opposition to railway schemes in the other House, but that it would have the effect of bringing that opposition exclusively into their Lordships' House, and eventually a collision might ensue between the two Houses. Supposing a railway company refused to pay costs under this Resolution, had the House the power of levying them? They had not. They might recommend the company to pay costs, and in the event of non-compliance they might refuse to pass their Bill; but he thought such a course on the part of the House would be most unfair, for if a Committee of the House considered the project advantageous to the country generally, it would be most unjust to the community to reject it on such grounds.

The Duke of *Richmond*: If the Committee recommend costs to be paid to certain opposing parties, what so easy as to put a clause in the Bill for that purpose?

Lord *Brougham* said, the House had no power of levying money; but in the case of their judicial proceedings, they were in the constant habit of ordering parties to pay costs. If a person applied to that House for a divorce from his wife, the House might require him to allow her an annuity. He remembered a case in which a person suing for a divorce had offered to allow his wife 50*l.* a year; but the House refused to pass the Bill unless he allowed 150*l.* a year. What could be easier than to say to parties who brought in Railway Bills, "If you wish to carry this Bill, we think justice requires that you should pay the costs of parties who oppose it?" He would have no objection to allow the Resolution to stand over until Monday, in order that noble Lords might have time to consider the subject. He believed that this Resolution would afford great protection to private individuals; for, if railway projectors were aware that by the Standing Orders of that House they might have to pay the expenses of opposition, they would be disarmed of that power which they at present exercised with the utmost possible oppression. The companies frequently said, "We have a heavy purse—oppose us if you dare;" but this Resolution, if adopted, would prevent them from using those threats to deter their opponents from proceeding.

The following Amendments were then moved:—

"To add after the Word '*Parties*' the following words—'incurred in the Proceedings before this House, or its Committee;' and at the End of the said Resolution the following Words—'That where any Committee has directed Expences to be paid by any such Party, it shall report such Direction to the House specially, with the Circumstances inducing them so to direct."

Debate on Resolution so amended, adjourned to Monday.

HOUSE OF COMMONS,

Friday, July 4, 1845.

MINUTES.] BILLS. *Public.*—1°. Borough and Watch Rates; Deodands Abolition (No. 2); Joint Stock Companies; Schoolmasters (Scotland).

3°. and passed:—Foreign Lotteries.

Private.—1°. Manchester and Leeds Railway (No. 2); Derby Court (Westminster).

Reported.— Lady's Island and Tacumshin Embankment; Brighton and Chichester Railway (Portsmouth Extension); Guildford, Chichester, and Portsmouth Railway; Direct London and Portsmouth Railway.

3°. and passed:—London and South Western Railway (No. 1); Erewash Valley Railway (No. 2); Norwich and Brandon Railway Deviation, and Diss and Dereham Branches; Glasgow Junction Railway.

PETITIONS PRESENTED. By Mr. B. Denison, from several places, against Grant to Maynooth College.—By Viscount Clive from a great number of places, against Union of St. Asaph and Bangor.—By Mr. Boyd, from Stockholders and others of Berrima, New South Wales, for Repeal of certain Acts relating to that Colony.—By Mr. Masterman, from William Thompson, Alderman of the City of London, and President of Christ's Hospital, against the Charitable Trusts Bill.—By Viscount Clive, from several places, for Establishment of County Courts.—By several Hon. Members, from a great number of places, in favour of the Ten Hours System in Factories.—By Mr. Cripps, and Mr. Hume, from several places, for Alteration of

Lunatic Asylums and Pauper Lunatics Bill.—By Mr. S. Crawford, and Lord Henniker, from several places, against the Parochial Settlement Bill.—By Mr. Bright, from Inhabitants of Lerwick, Zetland, for Diminishing the Number of Public Houses.

OFFICERS OF THE HOUSE.] Mr. *Baine* presented a petition from two persons of the name of Scott, praying that the House would give leave to Mr. Paskin and three other officers of the House to attend as witnesses in the Common Pleas, in an action brought by Messrs. Scott against the hon. C. F. Berkeley.

Mr. *Bernal* said, that the circumstances out of which this trial and petition arose were these:—In the year 1837 or 1838 an application was made to the hon. Member for Cheltenham (Mr. C. Berkeley) to become a director in the Steam Navigation Company to India by the Cape of Good Hope. That offer Mr. Berkeley declined, and he heard no more of it for a time; but at length it came to his knowledge that a private Bill had passed through the House, and that his name had been inserted in it as a director, in (as we understood) the same company; but his hon. Friend had assured him (Mr. Bernal) that such a proceeding was without his sanction or knowledge. The speculation did not succeed, and not long after an action was brought against his hon. Friend and others for a sum of 30,000*l.*, the expense of building a ship for the company at Beyrout. Under these circumstances he hoped the House would reject the prayer of the petition, by negativing the Motion.

Mr. *C. Berkeley* was quite willing that the Motion should be carried, as far as he was personally concerned, but positively denied that his name had been inserted in the Bill with his approbation.

Mr. *Warburton* did not think the House would be justified in stopping the progress of a cause merely because an hon. Member was concerned in it as a defendant. He imagined that the hon. Member would be anxious that the whole matter should be fully investigated.

Mr. *C. Berkeley* added that he had no wish to stand in the way of the most searching inquiry. His name had been used without any authority from him.

Mr. *Hume* urged that whatever was usually done in such cases, ought to be done in this case.

Sir *G. Clerk* did not see how the officers of the House could be wanted to identify a Member, as was alleged in the petition, when so many other means of identification must exist. He considered the prayer of the petition unprecedented, and though the House would never stand in the way of public justice, it would not consent that its officers should be required to attend a court of law on so frivolous a ground.

Motion negatived.

MESSAGE FROM THE CROWN—RAILWAY ADDRESS.] Colonel *Dawson Damer* appeared at the bar, and stated that, in reply to an Address which had been presented to Her Majesty, he was commanded to present the following Answer:—

"I have received your Address upon the subject of securing an uniformity of Gauge for Railways in Great Britain.

"My consideration shall be given to the matter to which your Address refers."

AFFRAY AT BALLINHASSIG.] In reply to a question from Mr. *Bouverie*,

Sir *T. Fremantle* said, that he had received an account of the affray at Ballinhassig, in the neighbourhood of Cork. It appeared that a number of persons had assembled on the evening of a fair, and that the affray was caused by an attempt to rescue a man who had been taken into custody by the police. He had not received the accounts in detail, but he regretted to say that the circumstances, as they appeared in the public papers, were in the main correct. Several lives had been lost. As to whether the police were deserving of blame or not, he could not give an opinion until he had received further information. From that which he had already received, it would appear that they were not blameable; for when they fired at the people he was given to understand that they did it in order to preserve their own lives. As he had before said, an attempt was made to rescue a prisoner, who was removed to a place of confinement, the doors and windows of which were broken, and the roof was nearly demolished, when the police were driven to the necessity of firing on the people.

Mr. *Sheil* asked if any inquiry had been directed to be made into this unfortunate transaction?

Sir *T. Fremantle* said, that the coroner's inquest was to take place, and great care would be taken that it should be conducted with all the necessary formalities.

If that investigation did not bring out all the circumstances satisfactorily, it would be the duty of the Government to direct further inquiry.

COMMONS' ENCLOSURE BILL.] On the Motion that the Speaker do leave the Chair to go into Committee on the Commons' Enclosure Bill,

Mr. *Sharman Crawford* rose to move the postponement of the Bill until next Session. It appeared to him that the Bill would take away the rights of common from all future generations, and that the benefits of such rights of common would be taken away from the poor without any adequate compensation. The provisions of the Bill would offer a bribe to those who had the present use of those rights to sell that which they had no power to dispose of, namely, the rights of future generations. Ten acres was the utmost amount of common allowed for a population of from ten thousand to thirty thousand. He did not object to enclosures of commons on just and equitable terms, but the interests of the poor were not provided for by the Bill before the House. If the pasturage of cows on commons was subject to proper regulations, it would be of great benefit to the poor man. The experience of past Enclosure Bills, proved to him that the interests of the poor were not cared for. It was said, that the poor would benefit by the employment which the enclosure of commons would give rise to; but he thought that was very doubtful—he did not think the evidence of the past was very encouraging on this point. From the reign of Queen Anne down to the reign of George the Fourth, upwards of 6,000,000 acres of land had been enclosed; he did not, however, think that the employment of the poor and the improvement of their means would bear any proportion to the quantity of land which had been enclosed. Waste land, if applied to the purposes of small occupation, would be of great benefit to the poor, both by increasing their employment, and their supply of food. The House did not seem to like small occupancies, and the example of Ireland had been referred to. It was, however, unfair to say that the distress of the people of Ireland arose from small occupancies. The following was tne average size of farms in different counties, computed on the number of arable acres in each county, and taken from the population returns of 1841; Armagh, eleven acres; Down, fifteen acres; Meath, thirty-seven acres; Cork, 113 acres; Galway, thirty acres; Mayo, twenty-three acres. The wages of the Irish labourers did not exceed 6*d.* or 8*d.* a day, and they were therefore driven to the necessity of occupying small tenements. Mr. George Nicholls, in his Third Report on Holland and Belgium, stated—

"The farms in Belgium rarely exceed 100 acres; the number containing fifty acres is not great; those of thirty and twenty acres are more numerous; but the number of holdings of from five to ten fifteen and twenty acres is very considerable, especially those of the smaller extent, and to these I chiefly confined my inquiries."

It further appeared that the small farms, of from five to ten acres, which abounded in many parts of Belgium, closely resembled the small holdings in Ireland; but the small Irish holder, in many cases, existed in a miserable state, destitute of the common comforts and conveniences of civilized life, whilst the Belgian peasant farmer enjoyed a large portion of these comforts. Mr. Nicholls described the houses, the mode of living, the mode of management, the dress and condition of the small occupier, which in every respect indicated the greatest degree of rural comfort. Mr. Nicholls also said—

"The productive powers of the soil are inferior to the soil of Ireland. To the soil and climate, therefore, the Belgian farmer did not owe his superiority in comfort over the Irish cultivator, but to the system of cultivation, and the habits of economy and forethought of the people."

Mr. Nicholls said, that in a farm of six acres, the whole was worked by spade labour, and that the farmer had no assistance save that of his wife and children, excepting occasionally the aid of a neighbour or hired labourer in the harvest season. It was most gratifying to observe the comfort displayed in the whole economy of these small cultivators, and the respectability in which they lived. He described the circumstances of a particular small occupier in Ghent:—

"He had a wife and five children, and appeared to live in much comfort. He paid for house and land 9*l.* 7*s.* 6*d.* per annum. He owed little or nothing, but had no capital beyond that employed on his farm. He questioned him respecting his resources in case of sickness. He replied, that an illness of long duration would press heavily on him,

and he might be obliged to sell part of his stock. If his wife and family were long ill, the doctor would give him credit, and he would, if he retained his strength, pay him in a year or two. The thought of applying for assistance in any quarter never appeared to have entered his mind."

Mr. Nicholls added—

"As far as I could learn, there was no tendency to the subdivision of the small holdings. I heard of none under five acres held by the class of peasant farmers; and six, seven, or eight acres is the more common size."

Mr. Laing, in his "*Notes of a Traveller*," said—

"The first operation in reclaiming land from a state of nature is certainly to plant it with men." . . . "It is the time only, and that time not valued, of the small proprietor, which can fertilize, bit by bit, such land;"

(alluding to the poor, sandy, sterile heath land of Holland). Speaking of the outcry against small holders in Ireland, Mr. Laing said—

"They do not consider the somewhat important difference of people being the owners or not the owners of the land divided."

He also instanced, in support of the benefit of small holdings, Belgium, Switzerland, Norway, and Tuscany, where forty-eight families in every hundred had land as their own property. He was of opinion that the Bill was calculated to benefit chiefly the landed proprietors, and, if so, it was unfair that the people at large should have to pay for Commissioners who were not intended to do them any service whatever. He would repeat, that the Bill was a landlords' Act; and he was farther of opinion, that whatever land was not now directly given up by this measure to the lords of the manor would ultimately come into their possession, because the small holders would be brought up by them, and all would thus become theirs. Another objection which he had to the Bill proceeding at present was, that it contained no less than 161 clauses; and he would put it to the House whether it was fair that a measure containing so many clauses, and such important provisions, should be brought forward at this late period of the Session? Under these circumstances, he had felt it to be his duty to record his dissent from the principle of the Bill, by moving its postponement until next Session. He thought he had given sufficient reasons for the measure being delayed, at least for that period; and he would, therefore beg leave to move that the House go into Committee on the Bill that day three months.

Colonel *Sibthorp* said, he fully agreed with the hon. Member for Rochdale, who had just sat down, that it was better to postpone the consideration of the Bill for another Session. There were so many interests concerned in the provisions of this Bill, that he confessed he thought the present was not a period of the Session when they could satisfactorily take the matter into consideration. He confessed he thought that the Bill was a vast improvement upon the measure that had been introduced by his noble Friend opposite, the Member for North Lincolnshire (Lord Worsley); but still there were many parts of it to which he had the strongest objection. It would, for instance, give great powers to men who were wholly unacquainted with the various parts of the country with which they would have to interfere, and where these inclosures would take place. Besides, he had no great predilection for Commissioners; and, he believed, the country agreed with him in that. They had sufficient experience already of the expenses of Commissioners, and of the little good which they effected. They had instances of that in the Poor Law Commissioners and in the Tithe Commissioners. These latter originated in the year 1836, and from that time to the present, they had cost the country some hundreds of thousands of pounds; and, after all, had done little or nothing for it. This Bill would give great powers to the lords of the manor. It would enable those individuals to take good care of themselves; and he had some misgivings about the manner in which they would exercise the power given to them. On going into Committee, he should endeavour to do his duty in improving the measure, and he certainly should aid his noble Friend (the Earl of Lincoln) as far as he possibly could.

Lord *Worsley* hoped the House would direct its attention to what he conceived to be the grounds on which this Bill rested. He had not had an opportunity of being present in the House when the Bill had been introduced by the noble Lord (the Earl of Lincoln); and he would, therefore, wish briefly to refer to what had already been done with respect to this subject. Hon. Gentlemen would, perhaps, recollect that

he had himself introduced a Bill of this description three years ago, and with the permission of the House he would beg leave briefly to explain the progress of the measure from that period up to the present time. It was in the year 1837, that at the suggestion of one of his constituents, he brought in a Bill to facilitate the making of common fields enclosures; and having been fortunate enough to succeed in getting it passed into a law, he had for two or three years afterwards constant applications from parties connected with waste lands, pressing him to bring in a Bill for extending the provisions of his former measure. From the difficulties, however, which he had to contend against in the progress of the first Bill, he did not wish to do so; until the year 1843, when there were so many applications made to him on the subject, and so many of the hon. Gentlemen who had voted with him in 1837, promised him their support and assistance, that he was induced to comply with the solicitations that had been made to him. He had been selected as the fittest Member to bring the subject forward in the House, in consequence of his connexion with the former Bill; and because it so happened that he was neither directly nor indirectly connected with any land which this Bill or any general Enclosure Act could affect. The original Bill of 1837 had, he was aware, many imperfections, which were, to a great extent, to be attributed to his want of ability; but the subsequent measure which had been introduced by him had been prepared with great care, as affecting the rights and interests of a much larger class of persons. When the Bill of 1842 had been first drawn up, the Commissioners were left blank; and he expressly provided in the measure, that one of the Principal Secretaries of State should be the party to appoint the Commissioners, and that he was to be a party in carrying out the Bill. He then inserted the names of the Tithe Commissioners, against their express remonstrances, and merely because he believed them to be the fittest parties for carrying the measure into execution. It was only right that he should state this, because an impression had gone abroad that as the duties of the Tithe Commissioners would very soon cease, the insertion of their names in the Bill was a job on their part, in order to get their offices made perpetual. He wished, therefore, it should be known that it was his own suggestion, and, in fact, contrary to the wishes of the Tithe Commissioners, that he had mentioned them in the Bill. He should add, that he had been under the impression at first that the Tithe Commission would last. His Bill was not successful the first year, in consequence of the late period in the Session in which it had been introduced; and in the year after—1844—in consequence of the time devoted to private matters, there would have been very little chance of getting on with it. The Government then conceived that the House would not pay that attention to the question which its importance required, without having the Report of a Committee upon it. A Committee had been accordingly named; and the noble Lord opposite (the Chancellor of the Duchy of Lancaster) could bear testimony with him to the exertions which that Committee had used to discharge the task entrusted to them in the most efficient manner. They continued their sittings for a considerable time, and collected the evidence of a great number of witnesses from different counties in England and Wales; and the result was, that, with the exception of the noble Lord (Lord Granville Somerset) alone, the Committee were unanimous in favour of a general Act. Accordingly, in the present Session, before he returned to England, he got his hon. Friend the Member for Cockermouth to give notice, in his name, that it was his intention to introduce a Bill on the subject at an early date. Shortly afterwards, he received a communication from the noble Lord opposite (Lord Lincoln), that the Government had it in contemplation to take up the question, and introduce a Bill at once in the House. It had been stated by some persons that he (Lord Worsley) was badly treated by the Government, in having the measure taken out of his hands. In this feeling he did not at all participate. He certainly thought that the Bill now before the House would require some important alterations to make it successful; but he was so sensible of the importance of having the measure brought forward on the responsibility of the Government, and of having as little time as possible lost in bringing it under the consideration of Parliament, that he could not but feel gratified at the course which had been taken. He should be exceedingly sorry if the opposition which was now offered

to the Bill, were to be persevered in, and if the House were not to proceed with it in Committee. He would not detain the House with any lengthened observations on the subject at present. He could assure his hon. Friend who had moved this Amendment, that if he would take the trouble to look into the evidence that had been taken before the Committee, he would find abundant proofs in it of the advantages which it was calculated to afford to the poor in the vicinity of these commons. He would find that labourers who now found a difficulty in getting employment even for a short time, near these unenclosed lands, would be afforded an opportunity of earning a considerable amount of wages in enclosing and bringing them into a state of cultivation; and there was also abundant evidence of improvement being thus effected in the condition of these poor people, and of constant employment being afforded to them in places where now, from the unwillingness of the farmers to employ them, they were living in the most wretched condition. He trusted hon. Gentlemen would, at least, take the trouble of looking into the Report of the Committee before they came to any conclusion hostile to the measure. They would find the evidence of many men, who were most competent to judge of the question, all in favour of such a measure; and that, as he had before stated, the Committee, with the exception of the noble Lord the Chancellor for the Duchy of Lancaster alone, had come to a unanimous decision in favour of such a Bill being passed. He would not detain the House longer; but he could not avoid taking that opportunity of expressing his gratitude to his noble Friend opposite (the Earl of Lincoln), for the very complimentary terms in which he had spoken of him in his (Lord Worsley's) absence, in connection with the subject now before the House, and his gratification that a measure which had given him a great deal of trouble, and for the success of which he felt a lively interest, was likely to become the law of the land. But at the same time he should repeat that he sincerely hoped the Amendments which he suggested in the measure, would meet with the favourable consideration of the Government, as without them he believed there would be felt a want of confidence on the part of those who would be anxious to avail themselves of the provisions of the Act, and who would be deterred by an apprehension of great expense from coming before Parliament. He would propose no Amendment with regard to the Commissoners, though he had a very strong opinion that the course proposed in the Bill was not the best one that could be taken. It was said that a Commission presided over by the chief Commissioner of Woods and Forests would form a very proper board to be entrusted with the management of this law; but it should be recollected by the House that the Commissioners of Woods and Forests were the parties who had the management of all property of which the Crown was lord of the manor, both in Wales and in many parts of England; and that by the present Bill they would establish a board of commissioners over them. When they got into Committee on the Bill, he would, he thought, be able to show that the Bill proposed giving too much power to the valuers. It gave them power of adjudicating on claims; and he believed the evidence would bear him out in saying that this would open up many very great difficulties, which would require to be dealt with by men of considerable experience, and not by mere land agents. It might be supposed by some that these commons or unenclosed lands were of small extent. Such was not the fact in many instances; and the Committee had one case in particular mentioned before them, in which there were no less than 19,000 acres of unenclosed land. The valuers would thus be given very considerable authority. There were also in many cases portions of these lands occupied by squatters, who would be bringing claims before these valuers, and thus more power would be given to that description of persons, than he thought ought to be entrusted to them. He hoped, therefore, that the noble Lord would consider well before he allowed such a measure to pass unaltered. If his Bill, and that now before the House, were compared together clause by clause, there would be very little difference found as far as the mere marginal notes were concerned; but when the clauses were read through, very material differences, it would be found, had been introduced in the working of the measure. He had to express a hope that the Bill would be allowed to proceed in Committee. He was afraid that a Bill with 161 clauses would not pass through Committee as quickly as the Government

seemed to expect; but he, at the same time, hoped that more hon. Members would be found to take a greater interest in having it proceeded with, than was the case on former occasions; and that at all events there would be no danger of the House being counted out during its progress.

Mr. *Hume* was sorry to feel it to be his duty to oppose this Bill; but he was bound to give his support to the Amendment on the same grounds on which he had resisted the measures of the noble Lord (Lord Worsley) in former years. The noble Lord might recollect that he had invariably opposed his Motions on this subject; and in adopting a similar course on the present occasion, he felt bound to express his surprise at the manner in which so important an enactment was allowed to proceed, as if it were some mere every-day occurrence, and not deserving of any particular attention from the House. He considered that, generally speaking, all lands that were worth enclosing had already been enclosed, and any which were not, ought to be interfered with only by special application to the House and on its own merits. He objected to the Bill because it was a landed proprietors' Bill, be they large or small; and because it would take away from poor men—from those who constituted the great mass of the community—the advantages which they now possessed in the enjoyment of air and exercise on these commons. He was sorry to hear from a legal Friend near him, that commonages were all private property. In his opinion, and as he interpreted the law, they comprised lands never granted to any individuals; but belonging to the Crown for the benefit of the public. He, therefore, regarded this Bill as one for taking away the little public property which still remained available for the health and enjoyment of the community, in order to divide it amongst the landed proprietors. It was true that some persons who possessed small spots of land would obtain a proportionate share of the common to be enclosed; but still the great advantage would clearly be derived by the large proprietors; while the poor, who now had the privilege of going through the lands, were to be entirely excluded, as the whole would be enclosed. He, therefore, considered the question as politically of importance; and if he had objected to it while in the hands of the noble Lord, his objection was still stronger when it was taken up by the Government. He objected to persons who would be removed with every change of Ministry, being entrusted with the property of the community at large. He had no objection that the individual who was to be placed at the head of the Crown lands should have a seat in the Cabinet, and be subject to those changes; but it did appear to him, that a public officer so circumstanced and filling such a post, ought not to be placed over two other commissioners in a board which would have the power of interfering with the property of the public. The noble Lord had stated, very properly, that the evidence given before the Committee was favourable to such a measure as the present; but he should be glad to hear what trouble had been taken by the Committee to get the evidence of the poor man and the labourer on the matter? What evidence had they from the poor who used these commons? In the absence of any such evidence, he had therefore a right to say that it was a one-sided Report in favour of the landed proprietors, large and small as they might be; and on that ground he opposed any measure founded upon it, as taking away the rights of the community at large. Even the landed proprietors themselves ought, he thought, to be cautious in passing such a measure. They ought to recollect that the effect of it would be to alter the character of the labouring population, and to reduce them to the condition of the poor inhabitants of the dirty streets and lanes of the towns. With the exception of some 50 or 100 square yards of a bit of green in the midst of a village, they proposed to grasp at the whole of the commonages of the land. The House ought, he thought, to consider seriously before they swept away at once the little independent property that remained in the country. The right hon. Baronet (Sir Robert Peel), who was not then in his place, admitted on a former occasion that it was a question whether the poor ought not to be more indentified with the land; and he would wish to put it to that right hon. Gentleman, whether getting rid altogether of the connexion of the poor with the soil, was not an evil which would affect society at large? He had no interest against this Bill. On the contrary, his individual interests would go in favour of

it; but when he looked at the mass of persons who would be shut out from all the opportunities of recreation which they now enjoyed, he could not consent to the passing of such a measure. In the next place, he objected to the proposal for paying out of the Consolidated Fund the expenses of all these enclosures, undertaken for the benefit of the landed proprietors, without any benefit being obtained by the public at large. It was on that ground that he had before objected to the Tithe Commission; and in proof that he was right on that occasion, he might observe that, though the Commission had only been a few years in existence, it had already caused an expense to the country of 600,000*l.* ["No, no!"] He believed the sum to be about what he had stated. The expense of the Tithe Commission was upwards of 60,000*l.* a year, and that, in the ten years since its appointment, would give a sum of 600,000*l.* But whatever the expense might be, it was paid out of the general taxation of the country, while it benefited only those who were in possession of the tithes and advowsons. He should, therefore, if this Bill got into Committee, offer every opposition to this clause; but for the present he should express his decided disapproval of the principle of the Bill. The measure had been already postponed two Sessions, and he thought it would be better, under all the circumstances, for the House now to consent to its postponement for another year.

Mr. *Trelawny* said, his hon. Friend who had just sat down, had commenced by saying, that this was a landlords' Bill; and he asked, why should they not come before Parliament in every case in which it was desirable to effect enclosures of waste ground? But would the House bear in mind the great expense of getting one of these Enclosure Bills passed? They would require to have some 4,000 Enclosure Bills passed, each of which would cost the parties from 1,000*l.* to 2,000*l.* They had already evidence of the manner in which the Commissioners and attorneys engaged in these enclosure cases proceeded. It would appear that they were in the habit of meeting at ten o'clock in the morning to breakfast. They then cracked their jokes, to use the words of the witnesses, until twelve, and after dining together at three o'clock, proceeded then to the business of the day. There were, in his opinion, several faults in the present measure. For instance, it required the landlord's veto to be given in each case. That, he supposed, was intended to prevent any supposed interference with the rights of property. The hon. Member read several extracts from the evidence of some of the clergymen examined before the Committee, to show the state in which the commons were kept, and the poverty and wretchedness to be found around them. The hon. Member for Rochdale was wrong in supposing that these commons were the property of the public at large, as they were the property of a number of individuals residing in their immediate vicinity. He would not, however, trouble the House at any further length at present.

Viscount *Palmerston* said, he should support the general principles of the Bill; but he would reserve to himself the right of thinking that some of the details might be improved. He felt anxious, before the House came to a division on the Amendment, to say a few words on the argument of his hon. Friend. The hon. Member conceived that the Bill was a landlords' Bill—that the object of it was to take away from the people of this country lands which he seemed to think were now vested in the Crown for the use of the population at large. Now, he differed entirely from his hon. Friend as to his legal theory, as well as from his view of the Bill. Nothing, he believed, could be more indisputable in point of law, than that the common land of the country does not belong to the community at large, but to a certain number of individuals resident in the neighbourhood. There was no question, but that all the commons in the country were the property of some one, or some set of persons. As to this Bill being to the prejudice of the labouring classes, he considered that it was a Bill essentially for the interest of the agricultural labourers. There was altogether in England and Wales about 37,000,000 of acres of land, and of these 10,000,000 would come under the operation of this Bill. It was in evidence before the Committee, that, taking one description of land with another, and setting aside the temporary employment that would be afforded before the enclosures could be completed, in the draining, the fencing, the ditching the lands, and in the erection of the

variety of buildings which would be consequent upon the enclosures, that there would be a permanent additional employment to the agricultural labouring classes, to the extent of one labourer and his family finding employment, for every fifty acres of land; so that under the operation of this Bill, employment would be afforded to 200,000 families of agricultural labourers. It had been stated very recently, in the course of a debate in that House, that the condition of the labourer did not so much depend on the nature of his employment on the land, as on the wages which he received; and therefore this Bill, by increasing the amount of employment for the agricultural labourers, would increase their wages, and thus prove an important boon to the labouring classes. His hon. Friend said, that the labouring classes would be deprived of the commons and waste lands, which afforded them places for air and exercise. From such language, it might be supposed that the operation of this Bill would apply to such places as Clapham-common, and Turnham-green, and similar open spaces which were surrounded with buildings. Nothing, however, was more unlike reality; for by one of the clauses of the Bill, it was provided that all open spaces, within a certain number of miles from a town, containing also a certain number of inhabitants, should be excluded from the operation of the Bill. For instance, the distance from London was to be ten miles, and a proportionate distance according to the population of a place. Thus, then, no land would be inclosed within a specified distance of a town, and in no case would the village green be enclosed. But what was the sort of air and exercise which was got upon these large open spaces? It should be remembered that the land which came under the operation of this Bill did not comprise village greens, commons in the vicinity of towns, but vast spaces of unenclosed land. And what was the character of the poorer or labouring classes in the vicinity of those large tracts of unenclosed land? They were employed by the richer classes in the neighbourhood of those places, and who possessed the right of pasturage, to hunt with wild dogs the oxen and sheep of other claimants of commonage; and it generally therefore happened that by expending money on such a description of employment, that the richer farmer, by these means, engrossed to himself the advantages of the common. Nothing could be better to the labouring classes than constant employment, where moral conduct was regarded, and where there was a strict attention to the rights of others. It had been proved before the Committee, that the class of persons living on the borders of these large unenclosed tracts of country were of the most irregular habits. Any one who lived on the borders of an unenclosed tract of country, of a forest, as he did, in Hampshire, must be well aware that the habits of the labouring classes in such districts were very different in their character and conduct from those of the agricultural labourers in other parts of the country, where they depended on the regular employment of their labour. There was another point connected with this subject, namely, the conflicting rights over unenclosed lands, which prevented all enclosure taking place. In many places one man was entitled to the pasturage, and another to the wood; and it was most difficult to bring about an agreement to enclose under such circumstances. The Bill would free lands from such evils. In some cases an individual had the right to pasture his sheep on a common from April to October; and certainly this was a great bar to the improvement of the land. The present measure would afford more ample means for promoting enclosure than now existed; and these conflicting rights would be extinguished by compensation, which now so seriously interfered with improvements. He saw with great satisfaction the introduction of this measure, and thought that it should be called a Bill for the improvement of the condition of the agricultural labouring classes, as it would tend materially to the increase of their wages; he, therefore, should give it his cordial support.

The Earl of *Lincoln* would not detain the House for more than a few minutes, from coming to a division; but having taken upon himself to conduct this Bill, with the concurrence of his noble Friend, he thought that the House might expect him to refer to some of the objections which had been raised against it; but, after what had fallen from the noble Lord who had just sat down, he felt that he should have very little to say. Two reasons had been stated why they should not proceed with this Bill into Committee that evening. The hon. Member for Montrose said that

he objected to the principle of the Bill. If that was the case, the hon. Member must object to the enclosure of land altogether, and, therefore, to be consistent, he not only must oppose this Bill, but he should also have opposed the numerous Private Enclosure Bills which passed through that House every Session. There was nothing more objectionable in this than there was to be met with in every parish Enclosure Bill which passed that House almost without notice. By the use of such language as had been resorted to with respect to this Bill, they would be very apt to mislead popular feeling out of doors on this subject, and more especially by calling it by such a name as a landlords' bill. He would remind the hon. Member that this Bill provided in the most satisfactory manner for the maintenance of every right which now existed, or compensation in place of it. The noble Viscount had so completely refuted the speech of the hon. Member as to the commons' lands belonging to the poorer classes, that he did not feel it necessary to trouble the House at greater length on the point. The hon. Member for Rochdale had stated that the rights of the poor would be infringed on by this Bill. This was a misapprehension on the part of the hon. Member. Certainly it might be so in the case of a Private ill before the House for the purpose of an enclosure. In such case the matter was decided upon before a Committee of that House, and it was notorious that this was an expensive tribunal; and, although it might be anxious to do its duty to the poor, yet as they had not the means of coming before it, the rights of the poor might unintentionally be infringed on. Now, what was the course proposed in that Bill? That the rights of the poor should be decided on by parties quite independent of local interests, and who would be sent down to examine into the subject, and to investigate the relative claims of the various parties. Since, however, he had introduced this Bill, he had made a very important addition to it for the defence of the rights of the poorer claimants; and this he had chiefly been induced to do in consequence of the debates which had taken place in the House on the subject during the last two years. He had made this change, he repeated, in order to provide additional security, and to get rid of the objections which had continually been made on discussions of this subject during the last two Sessions. He proposed that in all cases where land was subject to indefinite common rights, that they should not be enclosed without the previous and special direction of Parliament. In such cases, also, where the parties could not appear without material expense, that they should be able to come before the House, not as formerly, when they appeared in opposition to a Private Enclosure Bill, but that the Commissioners appointed under the Bill should make a Report on every such case to the House, and that it should then be proceeded with by the House or not, as the House might decide. He also proposed that all Bills for such enclosures should be regarded as Public Bills, and taken at the time of public business, and not, as now, as Private Bills, which were passed in such a manner that hardly any of the Members knew what they were passing. By this means every opportunity would be afforded to parties to vindicate their rights, as the printed Bills would be in the hands of Members, and they would be enabled to hold ready communication with the parties interested; and if, in any case, it should be found that the Commissioners had been guilty of the blunder of infringing on the rights of parties, any hon. Member could move that provision be made accordingly. For his own part, he believed that no greater security could be afforded for the protection of rights, than were provided for under this Bill. The hon. Member for Rochdale said, that the Bill would take rights of certain lands from the poor which their ancestors had held for several generations, and which their successors hereafter would be entitled to: that under this Bill their rights, which had existed from generation to generation, could be alienated. He admitted that this was the case; but it was also the case now that parties in the possession of the right of commonage could alienate all their property in it without reference to those who might come after them. He, therefore, conceived that the objection of the hon. Member on this point amounted to nothing. In 1829, Mr. Whittle Harvey brought under the notice of Parliament, the utter insecurity of rights which existed under the system of private Enclosure Bills; and many of the evils which were then pointed out would be prevented under this Bill. The hon. Member for Rochdale alluded to allot-

ments of land which were intended for the recreations of the people; and he complained that they did not preserve land for such recreations of towns with less than 10,000 inhabitants. But, if the hon. Member would look into the 13th Clause of this Bill, he would find that the provision respecting no enclosure taking place near places with 10,000 inhabitants, bore a different sense to that which the hon. Member attached to it. It was proposed to enact that within a certain distance of towns with 10,000 inhabitants and upwards, no enclosure should take place without special provision being made for each particular case, and the following clause enacted that no town green or village green should be enclosed, but that provision should be made for preserving the surface and fixing their boundaries. The hon. Member stated that no substantial benefit had been given to the population of the country by enclosures; and went into calculations respecting the number of enclosures during the last three centuries, with the intention of showing that no improvement had taken place in the condition of the agricultural labourers during that period, and that there had been no additional amount of employment in consequence of them. The hon. Member might as well contend that there was no greater amount of agricultural labourers employed in the present day than in the time of the Druids, when the whole country was unenclosed. Several hon. Members, in the course of the discussion, had alluded to the great expense that would attend the appointment of this Commission; and stated that, inasmuch as the measure would be solely for the benefit of the owners of the soil, that the expense of it should not be paid by the State. He did not believe that the benefits to be derived from this measure would be confined to the owners of the soil, but that it would prove to be a national benefit. In the first place, the salaries were to paid out of the Consolidated Fund. It should be recollected that of the three Commissioners, two were unpaid, and one was paid; and in addition to this, there would be a charge for Assistant Commissioners, a Secretary, and a few Clerks. If the hon. Member would refer to the 125th Clause, he would find that the expense of the Assistant Commissioners, and other persons employed on any enclosure, was made chargeable to the land so enclosed, and the amount was to be paid to the Consolidated Fund. The whole amount, therefore, would be repaid, with the exception of a very small sum. The result of the whole measure would be, that there would be an immense reduction in the expense of an enclosure. He believed, that under the proposed system, they would not be above one-tenth or one-twelfth of the present amount. The evidence annexed to the Report of the Committee showed that the expense attending enclosures under the present system was so great, that it often prevented extensive enclosures being undertaken. He would not then enter into an answer to the objections raised by his noble Friend to some of the details of the Bill, but would pos pone them until they went into Committee, where they would regularly come under consideration.

The House divided on the Question, that the words proposed to be left out should stand part of the Question:—Ayes 121; Noes 11: Majority 110.

House in Committee.

On the 1st Clause (relating to the appointment of Commissioners),

Mr. *C. Buller* said, that he intended to move an Amendment to the 1st Clause, although he did not object to the principle of the Bill. There was, however, a matter involved in the 1st Clause, which appeared to him to be so objectionable that, if persisted in, it would almost induce him to oppose the Bill. His opinion had always been that the greatest facilities should be given for the enclosure of the common land of the country, after the maintenance of any right or compensation in lieu of it; and he believed, that no class of persons were so much interested in carrying out a sound system of enclosure as the poorer classes. He should now endeavour to induce the House to adopt alterations in the machinery of the Bill, which, if he succeeded in doing, his main objections to the Bill would be removed. The Bill of his hon. Friend the Member for Lincolnshire proposed that the inquiries respecting enclosures should be referred to a Board of Comissioners now existing, and which was conversant with questions connected with the land of this country, and was wholly unconnected with politics. He thought, that the great objection to this Bill was, that such great powers under it

should be placed in the hands of a Government Board, forming a part of the Administration of the day. He entertained no jealousy of the abuse of the powers by the noble Lord at the head of the Woods and Forests; for he believed that such powers would be as secure in his hands as in those of any person that could be named. He objected, however, to the principle, and should object as strongly if the powers were to be entrusted to political friends of his own. Now, what were the powers involved in this Bill? Powers were to be entrusted to the Commissioners by which the whole of the landed property of the country would be affected. The Commissioners were to determine whether or not commons or waste lands should be enclosed or not. Under such circumstances, it was obvious that they would have great power over the landed property of the country, and also over a large mass of the people not holders of landed property. Was it constitutional that such power should be placed in the hands of the Minister of the day, who was obliged to depend for the tenure of his office on the votes of a majority of that House? No doubt, in a question which involved the general interests of the people of this country, public attention would be called to the matter, and the infliction of injustice might be prevented; but in a question affecting individuals, he believed that every one would say that the decision should not be referred to a board dependent on party, nor on the votes of a majority of that House. By the alterations which had been made in the Bill of his noble Friend, the whole power of effecting enclosures was placed in the hands of the Woods and Forests. It appeared by the present Bill that three Commissioners were to be appointed; but that the Chief Commissioner of Woods and Forests was always to be one. It appeared also, that two of the Commissioners were to have no pay, and he doubted whether they would be able to get any but a Member of the Executive Government to act as the second Commissioner, without delay. The third Commissioner was to be paid, and was to be removable at the pleasure of the Secretary of State, and would be as much removable as a Lord of the Treasury. Without any disrepect to the Lords of the Treasury, he hoped he might say that they were apt to be swayed by party feelings, and that they were not exactly the kind of grave and judicial characters which should be appointed Commissioners under a measure of this kind. The change of the Minister of the day applied also to all the appointments, and thus the change of the head of the department depended on the fluctuations of the politics of the day. There was another objection to such a board, namely, that the chief Commissioner of Woods and Forests, who was to administer the powers under this Bill, was the administrator of the landed property of the Crown. This was most objectionable, for he was interested as a party in the questions that would come before the Board. It was necessary, under the provisions of the Bill, that lords of manors should have a proportionate interest in the enclosure of each manor. Now, how many manors were held by the Crown in England and Wales?—Not less than 579. He did not know the extent of those manors in acres, but it must be obvious that 579 manors contained a considerable proportion of the landed property of the country. He thought that a grave objection. He had never heard any valid reason for altering the machinery proposed by the noble Lord the Member for Lincolnshire. The Tithe Commissioners, in the prosecution of their duties, had to make the fullest inquiries into the nature and value of land throughout the kingdom; and he thought that with such a body as that in operation, it was most consistent with common sense to entrust to them duties of a nature altogether analogous with their own, instead of appointing a new board for the purpose. The Bill itself incidentally acknowledged the competency for the purpose of the Tithe Commission, one clause distinctly directing that for particular classes of minute local information, recourse should be had to that Commission; why not have recourse to it altogether? It was a body free from objections on the score of political or party bias; it was not removable on a change of Government, and it had ample experience and information on the subject, all which were features peculiarly adapting the Tithe Commission for the purposes of the Bill, in preference to the board proposed by the noble Lord opposite. If a new board were absolutely necessary, he should be the last man to object to its being constituted. The question of mere economy was comparatively unimportant in such cases; but with such a board as

the Tithe Commission in active operation, a new board was perfectly superfluous, and worse than useless. He should, with this feeling, propose to return to the machinery of the former Bill. He was not so wedded to the Tithe Commissioners, but that if any other board were pointed out to him more adapted to the purpose, he should be ready to accede to the suggestion. At present, however, he was not aware of any body with superior qualifications, and he therefore begged to move as an Amendment, in line 13, to leave out from the word "That" to the end of the Clause, in order to add the words—

"The Tithe Commissioners of England and Wales shall be the Commissioners under this Act."

The Earl of *Lincoln* said, that the hon. and learned Member for Liskeard had stated his objections so candidly and fairly, so entirely without allusion to remarks made elsewhere, suggesting that the alterations which had been made in the Bill were of a personal nature, that he was happily relieved from the necessity himself of adverting to those absurd suggestions. He could safely say that if any other existing board could be named as eligible for carrying out the Bill, exempt from those objections which he considered applied to the Tithe Commission in the matter, he should be very glad to relieve himself from the onerous and disagreeable addition now proposed to the already onerous duties involved in the office he had the honour to fill. At the same time, he begged to point out to the House how very differently hon. Gentlemen had viewed this subject on former occasions. When the noble Member for Lincolnshire introduced his first Bill on the subject, two years since, he introduced it with this clause in blank, a most unusual course. At the same time, the hon. Member for Berkshire also introduced a Bill for the general drainage of the country; and both of these hon. Gentlemen applied to him to sanction, on the part of the Woods and Forests Department, that the Woods and Forests Board should be the board to carry into effect the duties which it was now proposed to entrust to a board, of which the Chief Commissioner of Woods and Forests was to be a member. He represented to these hon. Gentleman what he considered would be grave objections to such an arrangement, arising out of the landed property of the Crown, cases affecting which would, to a large extent, come before the Board for settlement; and he considered it clearly improper that the Commissioners of Woods and Forests should be the sole parties adjudicating in cases in which they were themselves so intimately concerned. The noble Lord and the hon. Member for Berkshire yielded to the objection so raised. The hon. Member for Liskeard urged that the Commissioners under this Bill should be wholly unconnected with the Government, so that no ground for suspecting Government influence should be left. It appeared to him that, certainly, if ever there were measures which could be considered more entirely free from the chance of political or party influence or interests than any others, they were the present measure, and the measure relating to drainage. It was altogether a misconception to suppose that the power would devolve wholly upon the Woods and Forests; the two other Commissioners, one of whom would be a paid Commissioner, would have equal powers to the Chief Commissioner of the Woods and Forests. As to the Commissioner being removable at the pleasure of the Crown, this, if it were an objection, applied alike to all other Commissions, the Tithe Commission among the rest. With reference to the noble Lord's first Bill, it was introduced at a period when the Session was too far advanced, and there was too much busines sbefore the House, to admit of proceeding with it, or of the Government paying due attention to it. In the next Session, the noble Lord had brought forward the subject at a period sufficiently early to enable the Government to give attention to it. Hon. Gentlemen asked, why had not the machinery of that Bill been adopted now? The reason was simply this—that Government did not consider it advisable to devolve upon a Commission, appointed for a specific and temporary purpose, and whose term of existence would now expire in two years, duties of a peculiar character, which for those two years in all probability occasioning a large amount of labour, would necessitate the attention of a Board for several years beyond the period assigned to the Tithe Commission, though the duties in these subsequent years would be of a very light nature, only a few applications, most likely, dribbling in during the year, after the first mass of cases had been disposed of. It would, consequently, be a clear saving to appoint the Commission

suggested, instead of keeping on the Tithe Commission for the purpose, the more especially as in all probability, after the five years named in the Bill, it would be quite feasible to dispense with the paid Commissioner altogether.

Colonel *Sibthorp* was no friend to Commissions, and should object to keeping up the Tithe Commission, which had already cost the country 220,000*l.* without doing anything at all like commensurate service. If there must be Commissioners for this Bill, let them be Commissioners appointed by the different counties, acquainted with the localities, and with the wants and feelings of the localities, instead of a Commissioner sent down by Government, and knowing nothing about the places or persons. As to the paid Commissioner being kept on for only five years, everybody knew the value of such intimations.

Mr. *Warburton* agreed with the noble Lord in thinking that there was no fear that political influence would interfere with the working of the commission. But to the objection of the hon. and learned Member for Liskeard, as to the Crown lands, and the impropriety of the Woods and Forests being on the Commission, the noble Lord had given no answer. It was a general principle that no individual body should adjudicate on cases where they were interested. He objected on this ground to a Commissioner of the Woods and Forests being a Member of th Commission under this Bill. With regard to the proposition of the hon. and learned Gentleman, that the Tithe Commissioners should work this measure, he was inclined to support it, partly because of the experience they must have acquired, and partly because it would get rid of the objection to the Woods and Forests being connected with the Commission.

Mr. *Henley* regarded the objections stated to the appointment of the Tithe Commission as in no degree valid; but there was this very valuable difference between the Bill of the noble Lord opposite, and that before the House, that the latter allowed an appeal to the House in the more important matter of disputed enclosure cases.

Lord *Worsley* said, that as to the Woods and Forests being entrusted with the management of this Bill, the opinions of Mr. Frankland Lewis, as they appeared in the evidence, and which the noble Lord would probably think worthy of his attention, were entirely opposed to such a proposition. Mr. Frankland Lewis said:—

"You think it more desirable to create a new Commission? Yes; that you should create some new and appropriate power, unless you give the business to some one of the existing officers of State; I have not had time to think much upon the matter, but I have no doubt it would be far better to annex it to some such Department as that of the Woods and Forets.—Do you think it would give satisfaction in Wales, that the Board of Woods and Forests should have the control? I do not think they would feel the slightest dissatisfaction, if you could define what is to be done with the Crown manors.—Is there not some jealousy in Wales as to the Crown property? Yes; particularly in North Wales, where there are mineral rights; there is property in dispute there, and it is not known what the Crown's rights are; there are disputes of that kind: but setting apart the difficulty that arises connected with the Crown property, I should entertain the impression myself, that where the Crown's interests were not concerned, the Woods and Forests would be a very good tribunal; and wherever the Crown is concerned, I think some particular step should be taken to deal with its rights in that respect."

He had received a variety of communications from Wales, assuring him that there would be the greatest possible jealousy excited on the part of the small landowners there, if the office of Woods and Forests was connected with the measure. As to the Tithe Commission having no time for doing the work, he had been assured by them that they should be able to do all the work which they anticipated as likely to arise under the Bill. As to the Tithe Commission only lasting two years more, even supposing that such should be the case, it was to be remembered that the same Commissioners also constituted the copyhold Commission, the duties of which would certainly not be terminated for some time beyond the two years. From all parts of the country he had received assurances from well-informed persons that the Bill would not work satisfactorily if the Woods and Forests had any share in its administration.

Mr. *Escott* observed, that the most efficient means of any to check improper practices on the part of a Commission such as this, would be, that a Member of

the House should be named on it. If the hon. Member for Liskeard, for instance, were made one of the Commissioners, he would, sitting there opposite to the Government, be a great check upon the conduct of the Board.

The Earl of *Lincoln* begged to remind the noble Lord opposite that the opinions which Mr. Frankland Lewis had expressed were in reply to questions put by the noble Lord, having reference, not to the proposition of the Chief Commissioner of Woods and Forests being a member of the Commission under consideration, but to the proposition that the Board of Woods and Forests should be the Commission itself. The opinions of Mr. Frankland Lewis had been referred to, but those opinions were against the appointment of the Tithe Commissioners; for that gentleman stated, that as soon as the Commissioners had discharged the particular duty for which they had been appointed, the Commission ought to be at an end. If that opinion of Mr. Lewis were true, then it was quite evident that the Tithe Commissioners would not be the proper tribunal to decide upon those questions which would arise under this Bill. It was necessary that a Commission to decide on claims of this nature would require to have the perfect confidence of those whose rights would be effected by its decisions; and, therefore, seeing how much engaged the Tithe Commissioners had been in proceedings the very nature of which necessarily caused them to be unpopular with parties who would be affected by this Bill, he did not think that they would form the best tribunal to decide upon those claims.

Viscount *Palmerston* fully concurred with the proposal of his hon. and learned Friend the Member for Liskeard, not in consequence of any doubt which he could possibly entertain of a Board of Commissioners with the noble Lord (Lord Lincoln) at their head; for he should, with the greatest pleasure, submit any private right in which he was concerned to the decision of the noble Lord. It was not enough that a tribunal of the nature of the Commission which was to be appointed under this Bill should have the confidence of the House in the justice of its decisions, or that the House should have an opportunity of calling for explanations of its proceedings from a responsible Minister of the Government; the object was to inspire the country with confidence in that tribunal. If persons, who were ignorant and ill-informed, entertained apprehensions with regard to the constitution of the Commission, and such persons were those who would most probably entertain them, then the Bill must necessarily fail in its purpose, as applications would not be made for the exercise of the power which it was intended to create. It was true that the Tithe Commissioners had been appointed by the Executive Government; but the question was for them to consider whether a Commission so appointed, or the Government of the day, were most open to suspicion (without just ground he would admit), on the part of those whose rights would be affected by the decision of the Commissioners under this Bill. An argument which had been used by the noble Lord opposite (the Earl of Lincoln), formed, in his opinion, a strong illustration of the advantage which was to be derived from appointing the Tithe Commissioners to this duty, instead of the board which was proposed by the Bill in its present shape. The noble Lord said that he did not know the political opinions of the Tithe Commissioners, with the exception of one, who had been a Member of the House of Commons. No one could say that of the Commissioners of Woods and Forests in that House, whose political opinions were well known; and when he recollected the conflict of opinions which was caused by the claims of adverse rights in distant parts of the country, he was led to the belief that application for the exercise of the powers of the Bill would often be prevented by a dread of political bias, or that, in cases where decisions were made, those decisions would be frequently attributed, unjustly, he admitted, to the influence of political bias. It was said that the Tithe Commissioners had now nearly concluded their labours, and that a proposal to entrust to them the duties which were to be discharged under this Bill, was a proposal to make them immortal; but if hon. Members would look to the 5th Clause of the Bill, they would see that the Commissioners under this Bill were to be appointed only for five years; and supposing that, according to the statement of the noble Lord, the greater number of applications under this Bill would be disposed of in the first two or three years, it would be seen that the Tithe Commissioners might be employed in the discharge of

those duties without becoming a permanent commission. The hon. and gallant Member opposite (Colonel Sibthorp) remembering how many lives the Income Tax possessed, appeared to feel a difficulty in believing that the existence of the Commission would be limited to five years; but he would remind the hon. Member that the length of time during which it was to continue was to be settled only by the consent of Parliament. He (Lord Palmerston) would put it to the House—not in a party view—but on those grounds which he would take in regarding it if he were himself a Member of the Government, whether it were right that the Commission ought to be free from all suspicion of political bias. He would put it to them whether it would not be better to adopt some machinery such as his hon. and learned Friend had suggested, than to mix up the Government of the day with decisions concerning the private rights of individuals? He perfectly agreed with his hon. and learned Friend in thinking that they ought to endeavour to establish a machinery which would prevent those imputations—unjust though they might be—which would arise from having the rights of private individuals decided by a board connected with the Government of the day.

Mr. *Clive* thought that, considering the important questions of property which the Commissioners would be called upon to decide, it was desirable that one of them, at least, should be a lawyer of considerable standing in his profession. He thought that there would be a great advantage in having the head of the Woods and Forests connected with the Commission; as by this arrangement a great deal of practical knowledge would be brought to the assistance of the Commission, and an additional security given for impartiality in the decisions of the Commission.

Mr. *Williams* said, it was proposed to saddle the country with additional and unnecessary expense in carrying out this Bill; and he was strongly opposed to that part of it. Why were the public called upon to contribute the funds to meet those expenses? He had not, for his own part, the slightest doubt as to the justice and impartiality of the Head Commissioner of Woods and Forests; but he agreed in thinking that a differently constituted tribunal would be preferred by those who would be more immediately affected by the decisions of the Commissioners; and he should, therefore, support the Motion of the hon. Member for Liskeard.

Mr. *Wakley* had voted against going into Committee on the Bill, because he did not believe that it had been sufficiently long before the public; and that, consequently, it was not well understood out of doors. There was a strong feeling against it outside that House; and he was perfectly satisfied it was a feeling which would not be so strong if the Bill were properly understood. He was of opinion that the principle of the Bill was good, and he looked upon it as a measure which was calculated to confer considerable advantage on the working people. He was in favour of the Motion of the hon. and learned Member for Liskeard; for he thought the appointment of new Commissioners for the purpose of carrying out the provisions of the Bill, was quite unnecessary; and he was the more inclined to have the Tithe Commissioners appointed to discharge these duties, in consequence of the satisfactory manner in which they had performed that which had already been assigned to them. What necessity existed for the appointment of new Commissioners? The noble Lord (Lord Lincoln) had replied to his hon. and learned Friend (Mr. Buller), but he had not answered any of his arguments satisfactorily. He objected to the appointment of a Minister of the Crown as one of the Commissioners; for he did not conceive that real responsibility would attach to the Minister in consequence of that appointment, whilst at the same time it would give to the Government such influence as would enable it to carry any measure it pleased; and then the Minister could come down to the House, and say that it was not his individual act, but the act of the Commissioners generally. If more time were granted before the Bill were carried, it would be a very great advantage; as an erroneous impression, which very generally prevailed at present, might be removed. There was an impression abroad at present, that this Bill was an outrageous attack upon the rights of the poor; but he could say that, so far as his experience had gone in that House, when an Enclosure Bill was proceeding under the present system, a poor man had no chance in the conflict; and he never could find in the result of the proceedings of this nature, that the poor man had any rights at all. It was supposed by great numbers, that those who lived around a common were generally a happy population; but there could not be a greater mistake. They

were generally very poor, and in times of unusual distress suffered very greatly from the indisposition of the farmers in the neighbourhood to employ them. If this Bill came into operation, there would be a vast increase in the amount of land which would be brought into cultivation; and there would be more employment given to the working people by the cultivation of 100 acres of land, than by 10,000 acres of land allowed to remain as a common. He hoped, therefore, that they would not attempt to carry such a valuable Bill into effect under the prejudice which existed against it from an erroneous impression which was very general with respect to it.

Mr. *Newdegate* thought that it was impossible there could be any well-founded suspicion of the decisions and motives of the Board on such matters as those that would come before them; and, in a constitutional point of view, he did not think that there was any danger to be apprehended from the appointment of a Minister of the Crown to the Commission.

Viscount *Ebrington* saw little objection to the appointment of the Tithe Commissioners for the purpose of carrying out the provisions of the Bill. Those Commissioners had at present a great deal of time on their hands, and he thought it would be well to occupy that time with some kindred work for which they were eminently fitted. He looked upon the appointment of new Commissioners as perfectly needless.

Mr. *Darby* did not think that the Tithe Commissioners would form a proper tribunal for the decision of the claims under this Bill.

Mr. *Brotherton* said, that the Bill was better calculated to preserve and defend the rights of the poor, than the existing law. It was impossible, under the present system, for a poor man to defend his rights, whilst a Commission would give him very great facilities in that regard, which he did not at present possess.

Mr. *C. Buller*, in reply, would ask hon. Members if the House would act with more perfect freedom as regarded a Report laid on the Table of the House, which Report was prepared by gentlemen for whom the Government were not responsible, or a Report prepared by a Commission connected with the Government of the day? He had not the least suspicion as to the honour and impartiality of the noble Lord (Lord Lincoln); but he regarded with great alarm the exertions which were every day making to place powers which affected the rights of individuals, in the hands of the Executive Government. That was a course which had a dangerous tendency; and he hoped that in the case before them, the House would pause before they agreed to a proposal to place questions of private rights at the decision of the Government of the day. It had been said that the Tithe Commissioners had nearly concluded their labours, and that at best they could continue no more than two or three years longer; but every one conversant with the subject knew that the delay was not their own fault, and that their duties could not possibly terminate at an earlier period than five years hence at the earliest; and if the House appointed the Tithe Commissioners to carry this Bill into effect, they could at the end of that period adopt a fresh machinery. The question, however, which was then before the Committee was, whether the power was to be vested in the Commissioners of Woods and Forests.

The Committee divided on the Question, that the words proposed to be left out, stand part of the Question:—Ayes 53; Noes 16: Majority 37.

List of the AYES.

Arbuthnott, hon. H.	Jolliffe, Sir W. G. H.
Arundel and Surrey, Earl of	Kemble, H.
Baird, W.	Lincoln, Earl of
Baring, rt. hon. W. B.	Mackenzie, W. F.
Barnard, E. G.	M'Neill, D.
Bentinck, Lord G.	Newdegate, C. N.
Borthwick, P.	Nicholl, rt. hon. J.
Browne, hon. W.	Peel, rt. hn. Sir R.
Cardwell, E.	Peel, J.
Clive, Visct.	Plumptre, J. P.
Cockburn, rt. hn. Sir G.	Polhill, F.
Courtenay, Lord	Pringle, A.
Darby, G.	Pusey, P.
Dickinson, F. H.	Scott, hon. F.
Entwisle, W.	Sibthorp, Col.
Escott, B.	Smith, rt. hn. T. B. C.
Fitzroy, hon. H.	Smythe, hon. G.
Fremantle, rt. hn. Sir T.	Somerset, Lord G.
Gaskell, J. Milnes	Tower, C.
Goring, C.	Trelawny, J. S.
Graham, rt. hn. Sir J.	Trench, Sir F. W.
Hampden, R.	Trotter, J.
Harcourt, G. G.	Wellesley, Lord C.
Herbert, rt. hn. S.	Wood, Col. T.
Hope, Sir J.	Wrightson, W. B.
Hope, hon. C.	TELLERS.
Jermyn, Earl	Young, J.
Jocelyn, Visct.	Lennox, Lord A.

List of the NOES.

Bowring, Dr.	Ebrington, Visct.
Brotherton, J.	Henley, J. W.
Christie, W. D.	Hinde, J. H.
Crawford, W. S.	Hindley, C.
D'Eyncourt, rt. hn. C. T	Hume, J.

Mitchell, T. A.	Worsley, Lord
Palmerston, Visct.	
Wakley, T.	TELLERS.
Wawn, J. T.	Buller, C.
Williams, W.	Warburton, H.

The clause to stand part of the Bill.

On Clause 6, which provides a salary for one of the Commissioners,

The Earl of *Lincoln* proposed to fill up the blank with the sum of 1,500*l.*

Mr. *Williams* wished to know whether the expense was to be permanently fixed upon the public, or whether a charge was to be levied on the enclosures which should in the course of the year pay the whole expense of the Commission and the Commissioners. If the noble Lord would not consent to the latter arrangement, he (Mr. Williams) would take the sense of the House against granting any salary to the Commissioner.

Mr. *Wawn* said, he should move as an Amendment that the proposed salary should be 1,000*l.* a year, instead of 1,500*l.*

The Earl of *Lincoln* did not intend to fix the salary on the enclosures, but that it should be defrayed, not only in the first instance, but ultimately by the public. The other expenses would fall legitimately and properly upon each particular enclosure; but he thought it was justifiable that this small sum should be defrayed by the public, looking upon the measure, as he did, not as a measure for the exelusive benefit of any class, but as one of national importance and advantage.

Colonel *Sibthorp* said, he observed that the Lord High Commissioner, or Commissioners, might allow to any commissioner, assistant commissioner, secretary, clerk, messenger, or other officer, such reasonable travelling and other expenses as might be incurred in the performance of their duty, in addition to his salary or allowance. He did not like this uncertainty. He hoped those persons would travel by second-class carriages; but they might travel very expensively, and he thought this was a power that ought not to be given.

Mr. *B. Denison* did not consider 1,500*l.* too much for an important benefit: but he wished the noble Lord would be good enough to state the amount of the expenses (the whole sum) which would fall on the different parties suing for an enclosure, and what part was to come out of the Consolidated Fund, and what from the enclosures.

The Earl of *Lincoln* said, the distinction was this — the expenses which properly attached to each particular enclosure, those of the assistant commissioners, surveyors, and so forth, would be repaid, under the 125th Clause, to the Consolidated Fund; but those appointments which were permanent, and were for the national benefit, and would apply to all enclosures, must come out of the Consolidated Fund. He believed, in addition to the Commissioners, a secretary, and two or three clerks, would be all that would be required for the performance of the duties; but not being able to foresee the number of enclosures, he could not say what would be the exact expense.

Mr. *Wawn* wished the noble Lord would state what he really meant with regard to the expenses.

The Earl of *Lincoln* said, he was anxious to give every information in his power, and if he could form anything like a calculation, he would give it. He would rather, however, run the risk of a division than mislead any Gentleman, and, therefore, beyond the 1,500*l.*, he could not state the expense.

Lord *Worsley* said, it was difficult to estimate the expense, as the circumstances of each enclosure must regulate the expense. He would suppose a case where, for the convenience of occupation, allotments had been already made, but where the parties agreed that it would be better to have different allotments, and to have the land enclosed. In such a case the expense would be but small; but the case would be different in a place where, instead of 100 acres, there was a common of 20,000 acres, of which only 1,000 acres were to be enclosed, where there were a variety of claimants, and many of those who made claims had no rights. The consequence of this would be repeated adjournments and increased expense. It was of the utmost importance that the paid Commissioner should be a man in whom all parties had confidence. He would also impress upon his noble Friend the absolute necessity of having, as one of the Commissioners, a person who was a good lawyer. Independently of other considerations, a great saving of expense would thereby be occasioned.

Mr. *Wakley* thought, that in every respect the public would be greatly the gainers by this Bill. They would not only thereby acquire a vast amount of additional labour for the unemployed poor, but they would also facilitate, by means of the Bill, the bringing into market of an immense additional supply of food—a consideration which, of itself, should weigh

deeply with his Anti-Corn Law friends. If the machinery of the Bill could only be brought to work well, he could see nothing but benefit as about to result from it. There was one thing, however, to which they should very closely look, and that was, the condition of the people with respect to paying the salaries of the Commissioners. The House was in the habit of acting as if it thought that it was only by expending large sums that they could induce able men to undertake the tasks sought to be devolved upon them. His firm conviction was, that, in reference to the present case, they could get as good a man to act as Commissioner for 1,000*l.* as they could for 1,500*l.* a year. If, therefore, the hon. Gentleman divided upon his Motion, he would divide with him. Two Commissioners were, in fact, to be paid; but what was to become of the third Commissioner, who was to have no salary? How was it to be expected that he would attend to his business? It was recommended that one of the Commissioners should be a lawyer; but he was quite sure that there was no lawyer who would undertake the part of the unfortunate third Commissioner, who was not to be paid for his trouble. He thought that it would be found that so much business would devolve upon the Commissioners, that it would be necessary to pay this third Commissioner also, to induce him to attend; and as it was, therefore, likely that there would soon be application to Parliament for the purpose of giving him a salary also, would it not be better that, in anticipation of such a demand, they should fix the sum at present under consideration at 1,000*l.*, instead of 1,500*l.* a year?

Dr. *Bowring* concurred in the view taken by the hon. Gentleman as to reducing the sum. The principle on which they should act in a case of this kind was, to maximise aptitude, and to minimise expense. [*Laughter.*] They might laugh, but it was the duty of the Government, in cases like the present, to get the best man at the cheapest rate.

The Committee divided on the Question that the blank be filled up with 1,500*l.*—Ayes 63; Noes 13: Majority 50.

List of the AYES.

Acland, T. D.	Bernard, Visct.
Arundel and Surrey Earl of	Boldero, H. G.
Baird, W.	Bramston, T. W.
Baring, rt. hon. W. B.	Broadley, H.
Barrington, Visct.	Browne, hon. W.
Baskerville, T. B. M.	Buller, C.
	Burroughes, H. N.
Cardwell, E.	M'Neill, D.
Christie, W. D.	Masterman, J.
Clerk, rt. hn. Sir G.	Meynell, Capt.
Clive, Visct.	Nicholl, rt. hn. J.
Cockburn, rt. hn. Sir G.	Palmerston, Visct.
Darby, G.	Patten, J. W.
Denison, E. B.	Peel, J.
Dickinson, F. H.	Plumridge, Capt.
Duncombe, hon. O.	Polhill, F.
Ebrington, Visct.	Pusey, P.
Entwisle, W.	Scott, hon. F.
Fitzroy, hon. H.	Sheridan, R. B.
Fremantle, rt. hn. Sir T.	Sibthorp, Col.
Gardner, J. D.	Smith, rt. hn. T. B. C.
Gaskell, J. Milnes	Somerset, Lord G.
Graham, rt. hn. Sir J.	Tower, C.
Henley, J. W.	Trelawny, J. S.
Herbert, rt. hn. S.	Trotter, J.
Hinde, J. H.	Warburton, H.
Hope, Sir J.	Wellesley, Lord C.
Jolliffe, Sir W. G. H.	Wood, Col. T.
Kemble, H.	Worsley, Lord
Langston, J. H.	Wrightson, W. B.
Lincoln, Earl of	TELLERS.
Lockhart, W.	Young, J.
Mackenzie, W. F.	Lennox, Lord A.

List of the NOES.

Berkeley, hon. Capt.	Johnson, Gen.
Bowring, Dr.	Mitchell, T. A.
Brotherton, J.	Ogle, S. C. H.
Crawford, W. S.	Williams, W.
Ellis, W.	Yorke, H. R.
Escott, B.	TELLERS.
Hawes, B.	Wakley, P.
Hume, J.	Wawn, J. T.

Blank filled up with 1,500*l.*

On Clause 11,

Mr. *Henley* wished to put a question to the noble Lord. He found in this clause eleven definitions of property liable to come under the operation of the Act; and in the clause which followed it three descriptions of property exempted from its operation, and which it was provided were not to be enclosed without the special authority of Parliament. Now it so happened that the three descriptions of property which were so exempted did not agree with the eleven descriptions of property which were to come under the operation of the Act. Why give power to do eleven things, and then proceed to exempt three, without using, as to those exempted, the same kind of language as was employed in reference to the others?

Mr. *Williams* would call attention to line 38 in the clause then before the Committee. In that, and in the two lines which followed, he found these words, "all lands in which the property or right of or to the vesture or herbage, or any part thereof, during the whole or any part of

the year, is separated from the property of the soil." He would ask the noble Lord (as we understood) whether this was intended to mean Lammas and Michaelmas land? Parties interested in that sort of land were desirous to know whether these words included that description of property; and if not, whether the noble Lord would agree to insert it?

The Earl of *Lincoln* would first observe, in answer to the hon. Member for Oxfordshire (Mr. Henley), that the difference between the two classes of land described in the clauses referred to was this, that the eleven descriptions of property alluded to property which might be enclosed without coming to Parliament for previous sanction for such enclosure. The 12th Clause defined those lands which could not be so enclosed without first coming to Parliament for sanction so to do. As to the question of the hon. Member for Coventry (Mr. Williams), the definition would not include Lammas fields. It was not proposed to exempt any class of land under this Act; but the land which the hon. Gentleman alluded to came under the 12th Clause. Lammas fields being generally in the neighbourhood of large towns, came under the provisions applicable to the neighbourhoods of such towns.

Mr. *Williams* said, that it was desirable to place all such lands as he had alluded to under the operation of the Act, whereas by the Bill as it at present stood some of these lands would be enclosed and some not.

The Earl of *Lincoln* observed, that, with a view to prevent the enclosure of lands within a certain distance of large towns, it was intended that no enclosure of such should take place without the attention of Parliament being directed to it. All lands coming under the three descriptions referred to by the hon. Member for Oxfordshire must have the previous sanction of Parliament to enclose them, otherwise they could not be enclosed; and the lands luded to by the hon. Member for Coventry came in under the clause containing these three descriptions.

Mr. *Williams* inquired what was the process to be observed in obtaining the sanction of Parliament?

The Earl of *Lincoln* said, that the process was this: Whenever an enclosure was intended to take place, the parties seeking such enclosure must, in the first instance, apply to the Commissioners, and answer certain printed forms with which they would be furnished. If the Commissioners thought that it was desirable that such enclosure should be made, they would then send down an Assistant Commissioner to make further inquiries into the matter. On the result of these inquiries being known, if favourable to the enclosure, a provisional order would be made for the enclosure. There the matter would, for the moment, stop, and the circumstances detailed in the provisional order would be embodied in an Annual Report, which Report would be laid before Parliament at the commencement of each Session; and on that Report, such enclosures as were recommended by the Commissioners would be inserted in a schedule to a Bill to be introduced and passed through that House, before any further proceedings should take place as to the proposed enclosures.

Mr. *C. Buller* wished to know why a distinction was made as to classes of land, some of which, it appeared, were to fall under the operation of the 11th Clause, and some under the 12th Clause? As he understood, there never was to be an enclosure made without an Act of Parliament; but why was there some inquiry not to be applicable to the three last classes of commons, which required, it appeared, a different machinery from eleven other classes? What was to be the difference between them? Suppose he wanted to have an enclosure under the 12th Clause, was there then to be a previous application to Parliament, as under the old form? What was there that should exempt those three classes of commons from the general provisions of the Bill? The exceptions seemed to him so large as to defeat the intentions of the Bill. Perhaps the noble Lord would explain the reason for making this distinction?

The Earl of *Lincoln* said, the hon. and learned Gentleman misunderstood the whole of the explanation he had given. By 6 and 7 William IV. he would find that provision had been made for enclosing certain lands without the consent of Parliament; these were the lands that were accurately comprised in one clause, and all these lands might be enclosed by the Commissioners. The reason why they were included in this Bill, was, that lands might now be enclosed by a private agreement, and great security of title had been found. It was intended to remedy that; and it was most desirable that facilities should be given under this Bill for remedying that defect. Parties would be enabled to enclose under this Bill, who could enclose under 6th William IV.

Then came the exception, which embraced all the commons of the country. These classes of land could not be enclosed except by Act of Parliament. This he had just explained to the hon. Member for Coventry (Mr. Williams); and he now wished to explain another thing; that the Bill to be introduced annually would be a public Bill, and would be exempt from all those fees to which private Bills were now subjected.

Mr. *C. Buller* observed that, by the 12th Clause, it was stated that lands should be enclosed under this Bill. He referred to line 7, Clause 12. What, then, was the meaning of the 11th Clause, as to lands that might be enclosed? Were they, too, not under the operation of this Act?

The Earl of *Lincoln* said, if the hon. and learned Gentleman would look to the 37th Clause, he would find the matter perfectly clear. The 37th Clause stated that the Act of Parliament by which the lands were to be enclosed should be a public Act.

Mr. *C. Buller* considered that it would be impossible for any one to read those two Clauses, the 11th and 12th, without falling into an error. That which the 12th Clause required, was something different from Clause 11. That now, however, seemed not to be the meaning of the Act. It seemed to him that the clauses were misplaced.

The Earl of *Lincoln* repeated that none of the classes in Clause 12 could be brought into operation without a public Act of Parliament.

Mr. *C. Buller* observed that in the Clause 12, it was said by the noble Lord that none of the classes comprised in it could be brought into operation without a public Act of Parliament. As he understood the Bill, no commons of any kind could be enclosed without the direction of Parliament. The noble Lord then said nothing of those three other kinds of commons referred to in Clause 11 (as we understood); and the ambiguity which would arise from this was, that there seemed to be some other kind of commons besides those in the 12th Clause, which might be enclosed without an application to Parliament. He took it that there was only one class of commons —that in the 11th Clause—which might be enclosed without an application to Parliament.

The Earl of *Lincoln:* Yes.

Clause agreed to.

On Clause 29, providing for the reservation of rights of lords of the manor in cases of enclosure,

Colonel *Sibthorp* moved the omission of the clause.

The Committee divided on the Question, that the clause stand part of the Bill:—Ayes 49; Noes 27: Majority 22.

List of the AYES.

Antrobus, E.	Graham, rt. hon. Sir J.
Arundel and Surrey, Earl of	Greenall, P.
Baring, rt. hon. W. B.	Hamilton, G. A.
Barrington, Visct.	Hamilton, W. J.
Blackburne, J. I.	Henley, J. W.
Boldero, H. G.	Herbert, rt. hon. S.
Boyd, J.	Jermyn, Earl
Bramston, T. W.	Jolliffe, Sir W. G. H.
Broadley, H.	Lincoln, Earl of
Bruce, Lord E.	Mackenzie, W. F.
Buller, Sir J. Y.	M'Neill, D.
Cardwell, E.	Masterman, J.
Clerk, rt. hon. Sir G.	Morris, D.
Clive, Visct.	Palmer, R.
Clive, hon. R. H.	Rashleigh, W.
Cole, hon. H. A.	Rolleston, Col.
Cripps, W.	Smith, rt. hn. T. B. C.
Dickinson, F. H.	Somerset, Lord G.
Estcourt, T. G. B.	Sutton, hon. H. M.
Filmer, Sir E.	Trotter, J.
Fremantle, rt. hn. Sir T.	Wellesley, Lord C.
Fuller, A. E.	Wood, Col. T.
Gardner, J. D.	Wortley, hon. J. S.
Gordon, hon. Capt.	TELLERS.
Goring, C.	Young, J.
Goulburn, rt. hon. H.	Lennox, Lord A.

List of the NOES.

Aldam, W.	Manners, Lord J.
Baskerville, T. B. M.	O'Connell, M. J.
Brotherton, J.	Ogle, S. C. H.
Buller, C.	Palmerston, Visct.
Carew, W. H. P.	Scott, hon. F.
Clements, Visct.	Stansfield, W. R. C.
Cowper, hon. W. F.	Stuart, W. V.
Crawford, W. S.	Trelawny, J. S.
Dalmeny, Lord	Warburton, H.
Ebrington, Visct.	Wawn, J. T.
Entwisle, W.	Williams, W.
Ewart, W.	Worsley, Lord
Ferguson, Sir R. A.	TELLERS.
Hawes, B.	Sibthorp, Col.
Hume, J.	Bouverie, hon. E. P.

The clause was then agreed to.

Clauses to 32 agreed to.

House resumed. Committee to sit again.

TRINITY COLLEGE ESTATES.] Mr. *M. J. O'Connell* moved for Copies of the Reports, Valuations, and Surveys of the Estates of the Provost, Fellows and Scholars of Trinity College, Dublin, made by Maurice Collis, Esq. He stated that the Board of

Trinity College had given their assent to these Returns. The hon. Gentleman opposite (Mr. Hamilton) had been communicated with on the subject, as well as his right hon. Colleague, the Recorder of Dublin, and he understood there would be no opposition to his Motion.

Mr. *G. A. Hamilton* said, as the Motion was of a peculiar nature, it was his duty to state, in confirmation of what the hon. Member had said, that it was made with the assent and concurrence of the Board of Trinity College. The information which was sought for, had already been given in substance, though not in detail, by Mr. Collis, in his evidence before the Land Commission. The details, however, were important, and the Return moved for by the hon. Member would afford some interesting information with regard to the occupation of land in Ireland. It had been obtained at a very considerable cost by the Board of Trinity College. He understood the survey, and valuation, and inquiry, had cost no less than 3,000*l.*; and certainly the Returns would show how much pains and trouble the Board of Trinity College had taken, and how strongly they had felt it their duty to make themselves acquainted with the actual condition of every person living on their extensive estates.

Motion agreed to.

House adjourned at a quarter to two o'clock.

HOUSE OF LORDS,

Saturday, July 5, 1845.

MINUTES.] BILLS. *Private.*—2ª. Winchester College Estate; Forth and Clyde Navigation and Union Canal Junction; London and South Western Railway; Cockermouth and Workington Railway; Scottish Midland Junction Railway.

Reported.—Wakefield, Pontefract, and Goole Railway; West London Railway Extension and Lease; North Union and Ribble Navigation Branch Railway; Lyme Regis Improvement Market and Waterworks.

3ª. and passed:—Eastern Counties Railway (Ely and Whittlesea) Deviation; Taw Vale Railway and Dock; Belfast Improvement; Manchester and Birmingham Railway (Ashton Branch); Ashton, Stalybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches) Railway; Ulster Railway Extension; Manchester, South Junction, and Altrincham Railway; Chelsea Improvement; North Wales Railway; London and Brighton Railway (Horsham Branch); Londonderry and Enniskillen Railway; Chester and Birkenhead Railway Extension.

HOUSE OF LORDS,

Monday, July 7, 1845.

MINUTES.] BILLS. *Public.*—1ª. Foreign Lotteries; Law of Defamation and Libel Act Amendment.

2ª. Drainage by Tenants for Life; Brazil Slave Trade; Arrestment of Wages (Scotland); Dog Stealing; Administration of Criminal Justice; Timber Ships; Unions (Ireland).

3ª. and passed:—Real Property Conveyance (No. 2).

Private.—1ª. Aberdare Railway; Erewash Valley Railway; Bristol Parochial Rates; Saint Helen's Canal and Railway.

2ª. Liverpool and Bury Railway (Bolton, Wigan, and Liverpool Railway and Bury Extension); Middlesbro' and Redcar Railway; West London Railway Extension and Lease; North Union and Ribble Navigation Branch Railway.

Reported.—Edinburgh and Northern Railway; Wear Valley Railway; Shepley Lane Head and Barnsley Road.

3ª. and passed:—Trent Valley Railway; Lyme Regis Improvement, Market, and Water Works.

PETITIONS PRESENTED. From Samuel Gordon, Esq., Dublin, for the Insertion of certain Clauses in the Tenants' Compensation (Ireland) Bill.—By Marquess of Londonderry, from Landowners of Upper and Lower Castlereagh, against the Tenants' Compensation (Ireland) Bill.—By Marquess of Clanricarde, from Stockholders and others of Bathurst (New South Wales), complaining of Proclamation issued by the Governor of the Colony relating to Regulations touching Depasturing Licenses.—From Landowners and others of Midsomer Norton, against the Real Property Deeds Registration Bill.—From Mark Silverston, of Duke Street, Aldgate, complaining that Proceedings have been commenced against him for selling Bread in the City of London, without being free of the Bakers' Company, and praying for Inquiry and Relief.—From Provost and others of Musselburgh, against certain parts of the Infeftments (Scotland) Bill.—From Freeholders of County of Kerry, for Alteration of Law relating to Juries (Ireland).—From Eliza Price, complaining of conduct of Samuel Stone Brisco, Esquire, (a Magistrate,) and others, and praying for Inquiry and Relief.

DRAINAGE BY TENANT FOR LIFE BILL.] The Duke of *Richmond* moved the Second Reading of the Bill to amend an Act of 3rd and 4th Victoria, and enable the owners of settled estates to defray the expenses of draining the same by way of mortgage. The Bill was now drawn as directed by the Committee, and related solely to draining; there were other questions, such as giving a power of leasing for nineteen or twenty years, and also a power of exchange, which was very desirable, particularly now railroads severed property, so that twenty acres might be left on one side of the rail belonging to one owner, and twenty acres belonging to another might be left on the other side: these subjects, however, might be the subject of legislative enactment hereafter. It had been thought desirable by the Committee to extend the Bill to Ireland as well as to England; and it simplified the proceedings by enacting that a Master in Chancery, on being satisfied of the outlay, should give a certificate which is to operate as a rent-charge, and as the application was to be made in the first instance to the Master, much expense would be spared.

The Marquess of *Salisbury* did not mean to oppose a Bill which was likely to afford employment to the poor; but he hoped his noble Friend would give

them a fair opportunity of discussing the details of the Bill, particularly with regard to the part which permitted persons to raise money upon settled estates for the purposes of building.

Lord *Beaumont* said, that question was much discussed in the Committee, and in his opinion buildings must be included, or the Bill would not be effective. He did not intend ornamental buildings, but such as sheds for cattle, which had always been considered permanent improvements, and which must be increased if there was increased produce. He never knew a Bill on which he felt less difficulty in giving a vote in its support. It improved the position as well of the tenant for life as of the remainder-man; it would benefit the occupier as well as the holder. It was an attempt also to simplify the legal proceedings, and render unnecessary those heavy law expenses for petitions, a specimen of which was given to the Committee, which extended to two closely printed pages of items.

The Earl of *Devon*, as a Member of the Committee, supported the Bill, which preserved the control of the Court of Chancery, and at the same time reduced the expense. He hoped that it might be made appendant to the Bill relating to tenants' rights in Ireland. It pointed out the objects which it was the desire of the Legislature to obtain, and was of the utmost importance to the general improvement of the agriculture, not only of this country but of Ireland.

The Earl of *Wicklow* approved of the extension to Ireland, and hoped that powers would be given to the guardians of infants to effect these improvements.

Lord *Campbell* also approved of the principle of the Bill, and rejoiced that it was extended to Ireland. For more than half a century they had had such a Bill for Scotland, and in all respects as the Bill now stood he highly approved of it.

The Duke of *Richmond* said there was a clause in the Bill which would, he believed, have the effect of enabling guardians to drain.

The Lord *Chancellor* had not till now read the Bill; there were several details in it with respect to the Court of Chancery; he did not object to the second reading then; but he would communicate with his noble Friend the noble Duke any suggestions which occurred to him with regard to that part of the Bill.

Bill read 2ª.

STANDING ORDERS — RAILWAYS.] The Marquess of *Clanricarde* moved that there be inserted in every future Railway Bill, a Clause to enact—

"That the Directors appointed shall continue in Office until the First Ordinary Meeting to be held after the passing of the Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Member of them, or may elect a new Body of Directors, or Directors to supply the Places of those continued in Office; the Directors appointed by this Act being eligible as Members of such new Body."

On Question, *agreed to*, and ordered to be added to the Roll of Standing Orders.

COMMITTEES ON PRIVATE BILLS AND SELECT COMMITTEES.] The Marquess of *Lansdowne* said he would take that opportunity, which was not altogether irregular, of stating some circumstances connected with railways deeply affecting the interests of all their Lordships and of every man in the country, and which must call for another addition to the Standing Orders, for the purpose of affording a sufficient protection to Members of Parliament. It might be known to their Lordships, and if it were not it would appear strange, that an hon. Gentleman, now a Member of the other House of Parliament, was placed at this moment in a situation in which any of their Lordships might be placed also. This hon. Gentleman, about seven years ago, was invited to become a subscriber and director in a Company for establishing steam navigation to India by the Cape of Good Hope. After looking at the nature of the undertaking, he advisedly declined to become a subscriber or director of the Company. Of course he then dismissed the Company from his mind, and neither directly nor indirectly had he done any act as a director. Notwithstanding this, after five years had elapsed, a demand was made, in consequence of his name being inserted as a director without his knowledge or consent in the Act of Parliament obtained by the Company. The demand made on him was for the amount of all the claims for which the Company had become liable, as the other persons whose names

had been mentioned had turned out mere men of straw. His name being found in the Act gave grounds for proceedings being commenced against him in a court of law; and although he could prove that he had refused to be a director of the Company, and although he had never acted as such, an opinion obtained from a high legal authority stated that, inasmuch as the Act of Parliament itself was a legal publication, he was legally represented as a director. Now he (the Marquess of Lansdowne) begged to ask their Lordships whether they were not all in the same situation? Were not all their names inserted in one form or another in all the local Acts that had passed through the Legislature? And were they not all liable to be made a subject of action? To show the extent of the impudence and the audacity of the parties engaged in getting up trading companies, he would state a fact which had come to his knowledge. A Gentleman, a Member of Parliament for one of the counties, was asked to become a director of one of these projected companies, and he refused. A short time afterwards he was told that he had attended at a meeting in the county with which he was connected, and had spoken in favour of the projected scheme. His attention being called to the Report of this meeting, he found not only that he was stated to have attended, which he did not, but he found also that many other persons were asserted to have been there, and to have made speeches, although they did not attend such meeting. The whole of the parties went to the bankers, advertised in a body, and gave notice to them not to pay any money that should be received by them on account of the said scheme after the meeting in question; and it turned out that a very large sum had been subscribed after that meeting, solely upon the belief, and in consequence of its having been publicly reported that the persons to whom he referred had attended it, and had sanctioned its objects. Now, in what a situation might not their Lordships be placed if such things as this were allowed? He could not pretend to point out what ought to be done; but he would merely say that they ought to protect themselves from being involved in such schemes. By what means he left it to their Lordships to consider. But what he did say was, that the names of the consenting individuals to any future schemes ought to be required to be set forth by a Standing Order as having given such consent. He should take an early opportunity of presenting a Standing Order for the purpose of effecting what he had pointed out as necessary.

Lord *Brougham* was sure that the public would be much obliged to his noble Friend for adverting to this class of cases. The difficulty would be how to afford a remedy in the particular instance. He would willingly have concurred in passing an Act in order to relieve a person in the situation described by the noble Marquess, but that in so doing there arose a difficulty which was to him insuperable; namely, that the House, having originally passed a Bill in a negligent and careless manner, could not, by any subsequent Act, reach the cheat who had beguiled them; but any such measure would only affect an industrious and honest person who might have lent his money on the strength of their Lordships' legislation. The man who sued the hon. Gentleman whose situation was described by the noble Marquess, might be, and probably was, as *bonâ fide* a sufferer as that honourable person himself was; and, consequently, what would relieve the one, would oppress the other. He thought, if the Houses of Legislature passed Acts so thoughtlessly, they ought each to pay their respective portions of the pecuniary losses which they inflicted thereby. This showed the caution that was necessary to be exercised by their Lordships in passing Railway Bills; and the immense consequences that might be involved by their not repressing rather than facilitating this gambling disease under which the country laboured. It was the greatest mistake to suppose that these undertakings were *bonâ fide* on the part of those who put them forward. All that those parties sought, was to give them an appearance of outward semblance of a *bonâ fide* railway project, in order that they might go and job in the railway market; and Parliament, from a very honest and conscientious feeling, wishing to give every facility possible, omitted to take any pains to inquire into the real merits of the scheme. Had they done so in the present case, they would have found that Mr. Berkeley had not given his sanction to this measure. Every day showed the ruinous consequences to which this gambling system inevitably tended. Men could not

do two opposite things at once. They could not employ their capital in gambling speculations, and at the same time employ it in the legitimate course of trade. Look at your Returns of the Revenue this quarter! Within the last two or three months they would find a very great falling off in the amount of revenue derived from the Customs and Excise.

Lord *Stanley:* That is in consequence of the great reduction of duties. The quantities consumed are increased.

Lord *Brougham* was not aware that the reductions to which the noble Lord alluded had taken place. He was very glad to find that the deficiency in the revenue had not arisen from a falling off of the consumption of customs and excise articles. His observations were, however, intended to apply to the frauds practised by speculators in railways, who, as one mode of warding off opposition to their schemes, would undertake to insert clauses in their Bills which they never did insert. The whole matter was an evil which demanded their Lordships' serious consideration.

The Marquess of *Lansdowne* explained. He had omitted to state, which he now did distinctly, that the hon. Gentleman to whose case he alluded, had no knowledge of the Bill subsequently to the application made to him; and he did not know that it was passing through Parliament until it had received the Royal Assent.

Earl *Fitzhardinge* said, he had been informed by his brother (Mr. Berkeley) that when this Committee was first conceived, a proposal was made to him to join in it. After consideration he declined, and from that time he had no interference with it; he never attended any meeting of its concoctors, and knew nothing of it until he was sued by a party, who was a shipbuilder, for an amount exceeding 35,000*l.* To show the hardship of his brother's case, he was informed that the expenses already incurred amounted to 400*l.*, let the case turn out as it might.

Brazil Slave Trade Bill.] The Earl of *Aberdeen* said, that in moving the Second Reading of the Brazil Slave Trade Bill, he would endeavour to explain as briefly as possible, the reasons why Her Majesty's Government had thought it necessary to introduce that measure to their Lordships. Their Lordships were aware that a Treaty was concluded between this country and Brazil, in the year 1826, for the abolition of the Slave Trade. By the First Article of that Treaty, the contracting parties stipulated that—

"At the expiration of three years, to be reckoned from the exchange of the ratifications of the present Treaty, it shall not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatever; and the carrying on of such trade after that period by any person, subject of his Imperial Majesty, shall be deemed and treated as piracy."

By the Second and Third Articles of the Treaty, the contracting parties mutually agreed, with a view to provide for the regulation of the said trade, till the time of its final abolition—

"To adopt and renew, as effectually as if the same were inserted, the several Articles and provisions of the Treaties concluded between His Britannic Majesty and the King of Portugal on this subject, on the 22nd of January, 1815, and on the 28th of July, 1817, and the several explanatory Articles which had been added thereto."

The last Treaty with Portugal, in the year 1817, contained a provision from which it appeared that the contracting parties contemplated the possible termination of that Convention. By a separate Article, it was agreed that as soon as the total abolition of the Slave Trade on the part of the subjects of the Crown of Portugal should have taken place, the two parties would adapt themselves to the state of circumstances contemplated by the stipulations of the Convention concluded on the 28th July, 1817; but in default of any such regulation, then the conditions of the said Convention should continue in force for fifteen years from the day when the ratifications of the Treaty should take place. The ratifications were exchanged between Brazil and this country on the 13th March, 1827; consequently in three years after that period, the Slave Trade was finally abolished in the Empire of Brazil. Fifteen years from that period had now elapsed; and the Government of Brazil, on the 12th of March last, gave notice to Her Majesty's Minister at Brazil, that on the following day, the Treaty between this country and Brazil would expire, and that the Mixed Commission, and all the instructions connected with it, would be at an end. It might admit of some doubt how far the contingency contemplated by the separate Article had ar-

rived, to entitle the Brazilian Government to put an end to the Treaty. But in a correspondence between Her Majesty's late Government and the Government of Brazil, it appeared that there had been an anticipation of the probability of terminating the provisions within the time specified; and the present Government were, on the whole, disposed to acquiesce in the interpretation put upon the Convention by the Brazilian Government. This country was therefore reduced to the First Article of the Treaty, by which the contracting parties declared that slave trading by any subject of the Brazils should be deemed piracy. That declaration could not, of course, render the Slave Trade piracy by the law of nations; but as between Great Britain and Brazil it became illegal by virtue of that compact. If any State constituted an act illegal or criminal by its own municipal laws, other States were undoubtedly not accustomed to take notice of such act, nor would their tribunals enforce their municipal law; but an act made illegal by virtue of a mutual compact, gave a right to the State entering into such compact to consider the act illegal, and, in consequence, Her Majesty had, by the stipulation in question, acquired the right to order the seizure of all Brazilian subjects found on the high seas engaged in the Slave Trade, of punishing the parties so engaged, and of disposing of their vessels and the goods therein as *bona piratorum*. When the Act 7th and 8th George IV. was passed, carrying into execution this Convention, care was taken to restrict the power of the Courts of Admiralty and other courts, except the Courts of Mixed Commission appointed for the purpose of carrying the Treaty into effect. Those Mixed Courts had ceased, in consequence of the decision of the Brazilian Government, and it had now become necessary to renew the provisions of the Act of George IV., giving power of exercising jurisdiction in cases of capture. It had been, in effect, necessary to exclude the Courts of Admiralty, because otherwise they might have been called upon, and indeed it would have been necessary for them to exercise jurisdiction under the Convention; but by repealing that part of the Act which prohibited the Courts of Admiralty from taking cognizance of such matters, they would be enabled to exercise this jurisdiction as before. It appeared that the Brazilian Government itself had contemplated this act on the part of the British Government. Shortly after the conclusion of the Treaty, and when he (Lord Aberdeen) held the same office he had now the honour to fill, the Brazilian Minister made application to him that vessels should be permitted to come from the coast of Africa, having sailed before the 13th of March, 1830, without being liable to be detained and treated as pirates, notwithstanding they were met with on the high seas after the 13th of March. In that request Her Majesty's Government acquiesced, and vessels which had sailed from the African coast before that date were not detained. Again, the Brazilian Minister, after three years had elapsed from the signature of the Treaty, and the trade had been finally abolished, maintained that the Courts of Mixed Commission ought to cease, as they only provided for acts done in that trade during the time of its continuance. The Brazilian Government accordingly remonstrated against these courts, and desired that they should cease on the 13th of March, 1830. This application was made to him (the Earl of Aberdeen), but was answered by the noble Lord who succeeded him in office; and he demurred to thea bolition of the Courts of Mixed Commission, giving as a reason, that some considerable time must elapse before tribunals could be constituted for exercising jurisdiction in cases of piracy; and therefore he recommended that the Courts of Mixed Commission should continue. The Brazilian Government still seriously remonstrated against the continuance of these courts, declaring that they were of only a temporary character, instituted with a view of judging of the legality of the detention of vessels engaged in the Slave Trade; but that then (in 1830), as all traffic in slaves had ceased, the tribunals for taking cognizance of acts done in that trade, could not possibly be required for an object which was no longer in existence. The Brazilian Government, therefore, urged that these courts should cease. The British Government of that day, however, remarked that these courts might still have duties to perform, notwithstanding that the Slave Trade had become illegal, and had been declared piracy, and maintained the point that the courts should be allowed to continue. It appeared, then, that the abolition of the Mixed Commission Courts was looked upon as possible in a period of fifteen years, according to the terms specified in the Treaty with Portugal. The object of the present Bill was to remove from the Courts of

Admiralty the restrictions thrown upon them by the 7th and 8th George IV. passed for carrying into execution the Treaty with Brazil. It was only recently that he (the Earl of Aberdeen) had himself called the attention of the Brazilian Government to the necessity under which Her Majesty's Government might find themselves of appealing to the First Article of the Treaty as he had described it. Their Lordships were aware that the Brazilian Government had always declined to fulfil their general engagements to co-operate with the British Government for the effectual abolition of the Slave Trade. In a note which he addressed to that Government in July, 1843, after strongly remonstrating with them, he declared that the time had arrived when it became Her Majesty's Government distinctly to declare that if the abolition which had been contracted for by the Convention should fail for want of that co-operation so continually asked for by the British at the hands of the Brazilian Government, and if the latter still declined to enter into arrangements to give effect to that Convention, it would remain for Her Majesty alone, and by Her own means, to carry into full effect the abolition imposed upon Her by the First Article of the Treaty. It had, therefore, in consequence of the Courts of Mixed Commission being put an end to, been found necessary to repeal that part of the Act which prohibited the Courts of Admiralty from taking cognizance of these cases. He did not know that it was necessary for him to allude to the course pursued since the conclusion of the Treaty by the Brazilian Government generally. With rare and short exceptions the Treaty had been by them systematically violated from the period of its conclusion to the present time. Cargoes of slaves had been landed in open day in the streets of the capital, and bought and sold like cattle, without any obstacle whatsoever being imposed upon the traffic. Our officers had been waylaid, maltreated, and even assassinated while in the execution of their duty; and justice, in such cases, if not actually denied, had never been fairly granted. No doubt much had happened in the course of the last ten or twelve years, which would have justified, and almost called for, an expression of national resentment; but Her Majesty's Government had no wish save to provide for the effectual execution of the Treaty as stipulated for by the First Article; and with that view he had brought forward the present Bill, which had been approved of by the highest authorities in such matters, and he now moved their Lordships to give it a second reading.

Bill read 2ª.

ADMINISTRATION OF CRIMINAL JUSTICE BILL.] Lord *Brougham* moved the Second Reading of the Administration of Criminal Justice Bill. His noble and Learned Friend on the Woolsack, and all their Lordships, were aware of the great inconvenience which arose in the trial of prisoners in different counties, in consequence of the provision of the law which required that all prisoners should be tried in the same part of the country in which the offences they were charged with had been committed. Now, it had occurred to learned persons who had considered the subject, that if certain towns were fixed upon as assize towns, to be declared by the Queen in Council, and the prisoners in each of the counties within a certain ambit were taken to be tried in those towns, the same Judge could deliver them out of gaol. The only objection he had heard urged against the proposal was, that it would be hard for prisoners to be obliged to bring their witnesses from a distance. But the treasurer of the county might be required, on receiving the certificate of the Judge, to pay the expense of conveying the witnesses of prisoners. If this measure was not adopted, more Judges must be appointed, as the present number could not deliver the gaols, and no mortal man could go four circuits in the year. Could anything be more ridiculously absurd, than that those who had committed offences within the ambit of the Central Criminal Court should not be kept in prison before trial longer than eight or ten days, whilst those who had committed the same offences, or much lighter, in Hertfordshire, or Berks, or Surrey, should be kept eight months in prison?—and they might be innocent all the while, or, if guilty, their offence might be punishable with only six months' imprisonment. There was only one of two courses to be adopted—either to pass the Bill with such alterations as might be suggested, or to appoint a greater number of Judges, to which there was always this objection—it would not be easy to devise means of employing the additional Judges during the rest of the year, after the circuits were over. He considered that, by

two additional Judges, an improvement might be made in the mode of doing chamber business, which was now done in a way highly unsatisfactory to the suitor. The two Judges might sit permanently in a court, with the check and advice of a Bar. A single Judge now in chambers hardly could be said to have full possession of his faculties, during the hurry and heat of a mob of attorneys' clerks. He wished that chamber practice were brought more into public, and if the number of Judges were increased, one objection, as to the want of employment for them in some parts of the year, might thereby be obviated.

The Duke of *Richmond* said, that one objection to the Bill was the increase it would cause to the county rates. Why, he would ask, were the charges required for the purposes of the Bill to be imposed on the county rates, and not to be paid out of the Consolidated Fund? He liked his noble and learned Friend's latter proposition much better.

Lord *Campbell* was very far from being adverse to the principle of his noble and learned Friend's Bill. He was ready to agree that it might be found expedient to consolidate counties, and work on the principle of the Central Criminal Court Bill, which had been found most beneficial in its operation. He would, however, advise his noble and learned Friend to postpone the Bill for the present Session, because he doubted whether, as it now stood, it would work at all, and whether is could be framed during the present Session so as to be carried into effect. There were many parts of the present Bill —the apportionment of the expenses, the places whence the jury were to be summoned, and where the prisoner was to be tried, how the judgment was to be carried into execution—which would require the most careful consideration. He should say that the consolidation should be carried into effect rather by Act of Parliamnet than by the Sovereign in Council. If a power of removing the prisoner from one county to another for trial were to be granted, it was not difficult to see that it might prove one of a very dangerous nature in many cases, as, for instance, in Ireland, if a prisoner were removed from Cork to Monaghan; it would be well, therefore, that the boundaries of the districts to be created should be defined by Act of Parliament. He would suggest that another Commission should be issued by the Crown, to consider the whole subject, and, as part of it, the distribution of England and Ireland into circuits, and the division of the year between term and vacation. What he (Lord Campbell) anxiously desired was, that there should be a joint consideration of what should be done in England, and what should be done in Ireland. His noble and learned Friend on the Woolsack would find no difficulty in selecting a number of Irish Judges and barristers to join with English Judges and barristers for this purpose. He had on a former occasion ventured to suggest to their Lordships, that most important measure which, in his humble opinion, would do more to consolidate the Union than anything that had been done since the Act of Parliament passed—that was, as his noble Friend on the cross bench (the Duke of Richmond) remarked, in a loud whisper (he hoped it was heard all over the House, for it would not increase the county rates)—that there should be an interchange of Judges between England and Ireland. The law was the same in both countries; there was not the smallest doubt that the Irish Judges were as learned and as competent in all respects as the English to administer the law, and the people of England would be perfectly satisfied with their decisions. The English Judges, again, going into Ireland, and carrying the authority that belonged to them, he believed that their decisions would be received without suspicion, and with the most implicit reverence. A great deal had been said about additional Judges. There were two spare Judges in Ireland, who might be brought over, and sent a circuit. In Ireland there were now six circuits, several of them so short that they might be got over in three weeks. The Irish circuits, therefore, might be consolidated, and reduced to five, so that ten Judges would be quite sufficient for the administration of justice in that country, and two spare Judges would be left, who might have an English circuit assigned to them. A joint Commission would examine this point among others, and see what could be effected by the whole of the judicial staff both in England and Ireland. He (Lord Campbell) had it from undoubted authority, that that most enlightened statesman and devoted friend of Ireland, the Marquess Wellesley, had a long-deliberated plan for the purpose of amalgamating the law, and

having Irishmen appointed to judicial situations in England, and Englishmen to judicial situations in Ireland. He knew from undoubted authority that that plan had occupied much of his thoughts, and that he was of opinion that it would be practicable and beneficial. If a Joint Commission of English and Irish lawyers, and intelligent country gentlemen, were appointed, he was sure the greatest benefit would be derived from their labours. The Bill was at present in an imperfect and crude state; to carry it into effect would be very difficult; the better plan would be, not to press it in the meantime, and for Government to issue such a Commission as he had suggested. With respect to the Commission lately issued to determine the circuits, it turned out that their powers were much more limited than was desirable with a view to their utility. He understood that they had consulted the right hon. Gentleman the Secretary for the Home Department, though it might have been supposed that they would act on their own view of their powers; and Sir James Graham then intimated to them that they had no power to do more than they had done. They laid all the blame at his door; but, however that was, it was agreed on all hands that the Commission had been a miscarriage. The Report was universally condemned. It could not be acted upon, and the right course would be to issue another Commission, with extensive powers, applying to Ireland as well as England; from which he thought the most beneficial consequences might be expected.

The *Lord Chancellor* said, with regard to the suggestion of an interchange of Judges between England and Ireland, with which they had been favoured by his noble and learned Friend, perhaps he meant that it should also extend to an exchange of Chancellors, the judicial force of one country being substituted for the other, somewhat in the manner an exchange of militia was effected. It was a matter which would require a great deal of inquiry, examination, and reflection, before they acceded to that part of his noble and learned Friend's proposition. He was ready to admit that the Irish Judges were individuals who possessed a great knowledge of law, and who were in no respect inferior to those of this country; yet their acquaintance with the habits and manners of the persons to whom they were to administer justice was a very important consideration. He agreed in that part of his noble and learned Friend's observations which referred to the Report of the Commissioners. He was bound to say, that he thought it an unsatisfactory document. He was not exactly acquainted with the circumstances of their reference to the right hon. Gentleman to whom his noble and learned Friend had alluded. Upon some points he (the Lord Chancellor) would have thought that they might more naturally have referred to himself; but having limited their inquiries within the narrow definition given to their powers, the result undoubtedly was, that their Report was entirely unsatisfactory. He might state, therefore, that he had felt it his duty to advise Her Majesty to issue a new Commission, with fresh and extensive powers, for the purpose of reporting on the ten questions which had been submitted for the opinion of those learned Commissioners, and also on others of very great magnitude connected with them, including the subjects brought under their Lordships' notice by this very Bill. With respect to the present measure, he did not see how it would satisfactorily meet the object which his noble and learned Friend had in view. Instead of going to four or five counties in succession to hold the assizes, the Judges were to assemble in one particular county, and the prisoners were to be brought from the surrounding counties to that central point. He did not know that the time now occupied by the Judges in travelling was very important; but the only time saved by the new arrangement would be that occupied in going from the one county to the other. He had always thought it better that the Judges should go to different districts in succession, than that the jurors, witnesses, prisoners, and all other persons obliged to attend the courts, should be brought from several counties round to one central point. The Bill did not provide as to the mode of summoning the juries, nor from what quarters they were to come, nor how they were to manage with respect to grand juries. Another point, of which they should not omit the consideration, was, how the prisoners on trial were to procure the attendance of their witnesses. It was a matter of very great importance to a man, generally a very poor man, on trial, perhaps, for his life. It would be

no satisfaction to them were the Bill to provide that they should have their expenses reimbursed, for they had not the means of advancing the money in the first instance; and the consequence would be, that these persons would find themselves at a distance from those acquainted with the circumstances of the case, helpless, and without defence or resources. He would suggest to his noble and learned Friend, that the best course would be to let the Bill stand over for further consideration, in order to see whether the Government could meet the difficulties to which his noble and learned Friend had adverted.

Lord *Denman* feared their Lordships would have a long time to wait if they waited till the Commission made a satisfactory Report on all the subjects to which their attention would be called, and more particularly if they included the proposal of any interchange of circuits between Ireland and England. With respect to that proposal of his noble and learned Friend, if the Government should think it right to call upon the Irish Judges to assist those of England in the performance of their duties, he was sure that no persons would receive a heartier welcome. But he thought that this Bill gave an opportunity of doing that with effect; and if they waited to see the Report of the Commission, no man could tell how few of their Lordships might live to see it. He entirely approved of his noble and learned Friend's measure: there was only one respect in which he would wish to see it amended, by following the example set in a Bill also introduced by his noble and learned Friend—that most useful and expedient measure, the Central Criminal Court Bill—and by giving power to form convenient districts for the trial of offences. That Bill offered a complete model by which this might be done in any part of England, and the machinery might fitly be borrowed, since it was capable of being brought into practice at the earliest possible period. He thought his noble and learned Friend, in preparing his Bill, made out a case which must find its way to every man's conviction. The time of imprisonment before trial, was already too long; it ought not to be extended in any case. In his opinion, even four months might be too long; and that not merely with a view to the feelings of the prisoners. Nothing could be more inconvenient than to bring up a man for trial, and have him acquitted by the jury, from a misplaced feeling, no doubt, but still a very natural one, in consequence of his having been so long in prison, or have him sentenced to a shorter term of imprisonment than he would otherwise have received. His opinion was, that there ought to be very frequent deliveries of jails, but that there ought not to be a third circuit. In his opinion a third winter circuit, established as a regular part of the machinery of justice in the country, would be a most enormous evil. He quite agreed that it was much more reasonable that Judges should travel, than jurors, witnesses and others connected with the administration of justice. But deliveries of jails, beyond those now provided by the regular course of procedure, ought, in his view, to be occasional, and regulated by a regard to the pressure of the particular circumstances. Suppose there was an absolute necessity, from the state of the country, for sending a Commission to deliver the jails in the county of Leicester, there might be persons from Derby, Nottingham, Lincolnshire even, who were to be tried at the same time. Would it not be an immense convenience for all parties that a Central Criminal Court should dispose of that business? This travelling of Judges was not worth thinking of; but if the Commission had to be opened at several places, a great deal of time was occupied at each, and the witnesses generally came very much farther than they would have to do under the system he recommended. The last winter circuit, was, he believed, appointed with very little consideration by his noble and learned Friend on the Woolsack, and after very little consultation with the Judges. The effect was, to put a stop to some of the most important business of the country going on in Westminster Hall; the Courts of Error were obliged to suspend their business. The Court of Queen's Bench had acted on a Bill passed in the year 1838, which enabled them to dispose of their arrears, at that time amounting to considerably upwards of 400 cases. They had gone on for eight years, the Judges giving up their leisure for the purpose of getting rid of the arrears, and at the end of last year they had brought the list of arrears down to very little more than 100 cases. The whole of that was sacrificed, and the arrears had risen again. This, it

could not be denied, was a most serious evil; a great improvement was prevented, and the whole system was deranged by a winter circuit interfering, and taking three of the Judges. If the power of creating new districts were to be given, the Crown might exercise it according to its discretion, and the necessities of the case, in such a way as not to interfere with any important business proceedings; and so far from persons being put to increased expense, he thought a considerable saving would be effected. If their Lordships should be of opinion that the Bill was not at present in such a state that it could be brought satisfactorily into operation, if passed before the expiring of the present Session, then they must hope that the improved state of the country, and, he was very happy to add, the great diminution of crime in every part, might make it less necessary that any particular measure should be adopted. But he (Lord Denman) thought that some further measure ought to be taken, and thus the pressure —not on the Judges, who did not care where they were, provided they were serving the public, since, as they said, they must be somewhere — but on the public interested in the administration of justice, might be prevented. A single instance would show, better than anything, the waste of time and money under the present system. If a man, convicted of stealing a faggot worth one penny, in a parish where he was perfectly well known, was taken before a magistrate, and pleaded guilty, expressing his sorrow for what he had done, the result was, that he might be sent eighty or 100 miles, if in the county of York, to the assize town, to take his trial, the whole county being summoned to hear the statement he had made before the magistrate; while, perhaps, in the absolute mockery of justice, he might be acquitted after all, when he had been detained in prison for six months, and the whole county put to enormous expense. Even the quarter sessions might impose the same penalty on him. There ought to be a simpler process for cases of this description, and many minor matters might be suggested, by which a great deal of trouble and expense would be saved.

Lord *Brougham* said, what his noble and learned Friend on the Woolsack had stated, determined him not to press the Bill beyond a second reading until the issue of the Commission, by which, no doubt, much good would be effected. His noble and learned Friend's (Lord Denman's) opinion seemed to be to have consolidations of the counties, and that, besides the ordinary circuits, occasional Commissions should be sent, according to the exigencies of the case. He (Lord Brougham) was disposed rather in favour of permanent circuits. With respect to the Commission—he did not mean the last one, for that was deceased, and he would say nothing against the dead, it had gone the way of the Railway Board —he hoped it would be altogether a new one, for he did not like to see learned Judges employed on a Commission, and thought it much better that they should be employed in the administration of the law. As to the question of the circuits, he was decidedly against employing practising barristers who went the circuits; for he found by late Reports that all the practising barristers had voted one way, naturally enough voting according to their predilections and conscientious opinions; but he would take persons who would not have to decide upon matters affecting their own business. There could be no difficulty whatever in appointing other professional men on the Commission, not connected with the administration of justice in those districts with respect to which the questions arose. He concurred with all that had been said in praise of the manner in which the Irish Judges discharged their duties; and he must add, that what came under his own cognizance of their proceedings, confirmed his opinion as to their eminent ability. The only objection to their coming in aid of the English Judges, and the latter being occasionally transferred to Ireland, was the great apprehension with which any one must undertake the trial of a cause, when he was unacquainted with the habits, manners, and character of the people amongst whom it arose. If the Irish Judges did come, he agreed with his noble Friend (Lord Denman) that these virtuous, able men, would meet with a hearty welcome. As to the disposal of the arrear, he must say that he was not satisfied with the account given by his noble Friend (Lord Denman), of 700 cases being cleared off in seven years.

Lord *Denman:* But all the other business was performed at the same time.

Lord *Brougham:* Well, this was very creditable to the Judges of the Queen's Bench: but he though the real rem-

edy for the evil of an excessive arrear would be the addition of two Judges. He hoped the Committee about to be appointed would turn its attention to this point, as well as to another which was really as absurd as the old notion of the choice of the jury from the vicinage—he meant depriving the plaintiff of the choice of his court. Why should not the plaintiff and defendant be exactly on the same footing in this respect, particularly as the nominal plaintiff was very often the real defendant, as in an action by the person in possession for an easement?

Bill read 2ª.

ADMINISTRATION OF CRIMINAL JUSTICE BILL — LORD DENMAN.] Lord *Denman* moved the committal of this Bill.

The Duke of *Richmond* said, he agreed with the principle of the Bill; but wished to suggest two Amendments—first, that persons convicted of bestial offences should be whipped as often as the Judge should direct; and also that no imprisonment should last longer than two years. As to the first, he thought that such a punishment might well be inflicted on the men who were generally found to commit such offences, and who were abandoned profligates, lost to all sense of shame. As to the second suggestion, he thought no man ought to be imprisoned for a longer period than two years.

Lord *Denman* promised to consider these suggestions, with the view of inserting them in the Bill on the bringing up of the Report.

Bill committed.

House adjourned.

HOUSE OF COMMONS,

Monday, July 7, 1845.

MINUTES.] NEW WRIT. For Cambridge Borough, *v.* Fitz Roy Kelly, Esq., Solicitor General.

NEW MEMBER SWORN. George Moffatt, Esq., for Dartmouth.

BILLS. *Public.*—1°. Geological Survey; Naval Medical Supplemental Fund Society; Land Revenue Act Amendment; Grand Jury Presentments (Dublin); Criminal Jurisdiction of Assistant Barristers (Ireland); Unlawful Oaths (Ireland); Fisheries (Ireland); Bankrupts' Declaration.

2°. Schoolmasters (Scotland).

Reported.—Turnpike Trusts (South Wales); Constables, Public Works (Ireland).

Private.—1°. Shrewsbury and Holyhead Road.

2°. Yoker Road (No. 2); Morden College; Earl of Onslow's (Ellerker's) Estate; Lord Monson's Estate.

Reported.—Lady Sandy's (or Turner's) Estate; South Eastern Railway (Tunbridge to Tunbridge Wells); South Eastern Railway (Widening and Extension of the London and Greenwich Railway); London and Croydon Railway Enlargement; London and Croydon (Chatham to Chilham); London and Croydon Railway (Orpington Branch); London, Chatham, and North Kent Railway.

3°. and passed:—Bristol Parochial Rates (No. 2); St. Helen's Railway and Canal; Aberdare Railway.

PETITIONS PRESENTED. By Sir J. Y. Buller, from C. Edwards, of Totnes, and several other Gentlemen, apologizing for Breach of Privilege.—By Mr. Botfield, from Apparitors of Hereford, for Compensation (Ecclesiastical Courts Bill).—By Mr. Oswald, and Lord John Russell, from Liverpool and Clarence, New South Wales, for Repeal of certain Acts relating to that Colony.—By Viscount Howick, from Settlers in Her Majesty's Colony of New Zealand, for a Local Representative Government there.—By Mr. Smollett, from Kirkintilloch, against Arrestment of Wages (Scotland) Bill.—By Mr. G. Hamilton, from Drogheda, for Repeal of Act relating to Carts, &c., (Dublin).—By the Earl of Arundel and Surrey, Mr. A. Chapman, and several other hon. Gentlemen, from a great number of places, against the Charitable Trusts Bill.—By Mr. T. Duncombe, from Henry Dowell Griffiths, against Commons' Inclosure Bill.

BUSINESS OF THE SESSION.] Sir *R. Peel* said: Sir, perhaps it may be the most convenient course if, in moving the Order of the Day, I fulfil the promise which I have made, to state with respect to those legislative measures which are of the greatest importance the course which Her Majesty's Government proposes to pursue, seeing the very advanced period of the Session, and the great mass of public business yet to be discharged. Before I allude to the Bills under the consideration of the House, or likely to come from the House of Lords, I will answer a question put to me a few days since in respect to those measures connected with railway legislation which have immediate relation to the Board of Trade. It will be recollected, the Government promised that, availing ourselves of the experience of Committees on Railways in the course of the Session, we would maturely consider the relation in which that department stands to railways, and that if we had any modifications to suggest either in the constitution of the Board, or in the nature of the functions it has to perform, we would indicate them at a sufficiently early period to enable the House to adopt any proceedings that might be thought necessary. In the course of the present week, therefore, either I or my right hon. Friend the Vice President of the Board of Trade, will lay on the Table of the House a Minute of the Board of Trade, stating the alterations that we think desirable to have made in the functions that were last year suggested it should undertake with respect to Railway Bills. I believe the general purport of the Minute will be to continue the Board as the guardian of the public interests, giving it a power to report whether any particular

project does affect these peculiar interests or not; but at the same time to relieve it from the task of deciding on the relative merits of competing lines. It is proposed that the several projects shall still be laid before the Board of Trade, and that Reports shall be continued to be laid before Parliament by the Board with respect to the merits of those projects as far as they affect the public interests, but without reference to the merits of the different competing plans. That, I believe, is the nature of the regulation suggested; and it is intended that a Minute of it shall be laid on the Table of the House in the course of this week. As I am speaking on the subject of railway legislation, I may as well refer to the Address to the Crown which has been agreed to on the Motion of the hon. Member for Stockport (Mr. Cobden), praying for the appointment of a Commission to inquire into the relative merits of the broad and narrow gauge. I wish to inform the House that three Commissioners have been appointed to report whether the broad or the narrow gauge has the higher merit; and they are gentlemen whose character will, I think, satisfy the House that the matter will be fully considered. They are—Sir Frederick Smith, Professor Barlow, and Professor Airey. I believe it would be hard to suggest the names of any three gentlemen which would be received with greater respect, or whose professional acquirements are calculated to give greater satisfaction. Having said this much, I will now proceed to state the course which we propose to pursue, subject to the approbation of the House, with regard to the measures now under the consideration of this House, or which will be submitted to its consideration in consequence of proceedings in another branch of the Legislature. I regret to find, on a view of these measures, several of those which yet remain to be discharged, and that must or ought to be discharged, are very important. Still, though the quantity of business to be got through is very great, I think it will be of advantage if I make a positive announcement on the part of the Government of the course which we intend to pursue respecting the measures which we feel it to be our duty to press on the consideration of the House. The entire number of Bills amounts I believe, to not less than between fifty and sixty. Of these a great number, though important to the public interests, are not, I believe, of so pressing a nature that their postponement will lead to any great public inconvenience. It is hardly necessary that I should go into details respecting the whole of these Bills; and I will, therefore, confine myself to those which are of public importance, or likely to lead to much discussion. In the first instance, we propose to proceed with the Irish Colleges Bill. That Bill has yet to undergo consideration in the House of Lords, and it is of great importance that it should be sent to that House at as early a period as possible. We propose, therefore, as far as possible, to give precedence to that Bill, and to conclude the discussion upon it before we take up any other measure. In consequence of the discussions which have already taken place on this Bill, it will not be necessary, most probably, to delay the progress of the Bill in its later stages as long as would otherwise be necessary. It stands first after the Privilege Question on this evening; and after it passes through Committee, which I hope will be on this evening, the House will then have to deal with the Motion for which the hon. Member for Wycombe (Captain Bernal) has an Amendment to the Report being received. The hon. Member was induced to postpone that Motion at the instance of my right hon. Friend (Sir J. Graham); and if the hon. Member still determines on proceeding with it on the bringing up of the Report, I shall feel it my duty, after his compliance with the request of my right hon. Friend, to give him an opportunity of doing so either then, or on the third reading of the Bill. It is for him and the House to decide, and I shall certainly feel myself called upon to accede to whatever course he wishes to adopt. If the hon. Member wishes to bring on his Motion at the first stage, I should wish to fix the bringing up of the Report for Thursday next, and the third reading for the following day. If the hon. Gentleman, however, consents to make his Motion on the third reading of the Bill, the House will probably consent to receive the Report either to-morrow or the next day, and take the third reading on Thursday. Another Bill, which I believe to be of the greatest importance, and the general principle of which has been favourably received by the House, is one relating to Scotland, and in which I do not anticipate any very protracted discussion, or any very great difficulty in passing it through the House—I mean the Poor-law Amendment Scotland Bill. Another Bill which I

would wish to proceed with, and which I have been reluctantly obliged to postpone for a long time, in consequence of the discussions which have taken place on the subject of the Maynooth Bill and the Irish Colleges Bill, is the Bill for removing certain disabilities under which the Jews suffer. I would wish to fix the second reading of that Bill at an early period. There are many other Bills which must be brought under discussion, in consequence of being continuing Bills. It may be said that it was the duty of Her Majesty's Government to bring these Bills on before; but we found that to be impossible, in consequence of the time taken up with other matters. I do not complain of the discussions that have taken place on various questions; but I only refer to them as a proof that we had no opportunity of bringing forward much public business at an earlier period. Among the Bills to which I allude, and which must be continued, is the Bills of Exchange Bill, which continues the modifications of the usury laws. There are also other Bills, which my right hon. Friend the Secretary of State for the Home Department has charge of, and which are continuous Bills. For instance, there is a Bill to continue the Act which will expire at the end of the present year, relating to the rating of stock. There is also the Turnpike Trusts Bill, and the Bill for providing for the removal of Irish and Scotch poor. This Bill will be the more necessary if my right hon. Friend (Sir James Graham) does, as he proposes, with regard to another measure, namely, relinquish for the present Session the hope of passing the Parochial Settlement Bill into a law. In addition to the Bills which I have mentioned, there are several Bills connected with Ireland, with respect to which I believe no very material differences are likely to arise. These are the Valuation Bill, the Criminal Lunatics Bill, the Bill which is called the Constables Public Works Bill, the Drainage of Land Bill, and the Joint Stock Company's Bill, which is intended to extend to Ireland the same regulations which were applied to England by the Bill of last Session. There is also, I think, a Fisheries Bill, which is likewise intended to be forwarded. In addition to this mass of business to be got through in the course of the present Session, there still remain not less than eighty Votes of Supply. There are also four Notices of Motion given by hon. Members for the first occasion of the House going into Supply. I trust, therefore, that on account of the advanced period of the Session, and the mass of business necessary to be gone through, that hon. Gentlemen will be induced to wave their Motions, and thus to give us facilities for getting through with the Votes of Supply. This will be the more necessary, as some days will elapse, after disposing of the Irish Colleges Bill, before the House can go into Committee of Supply. This day week will, I apprehend, be the very earliest day on which we can expect to get into Committee of Supply. Under these circumstances, we have thought it best to make up our minds to relinquish the following Bills. My right hon. Friend the Secretary of State for the Home Department wishes to have an opportunity of reprinting the Bill for regulating the practice of Physic and Surgery. My right hon. Friend had flattered himself that this Bill was so far advanced that an agreement would take place between the parties interested, and that possibly a general assent would be given to the measure. If he be justified in taking this view of the question, and if, after the Bill is reprinted, it is likely to be agreed to, and that there is a probability of the House being relieved from the question next Session, then he trusts to be able to pass it; but if any very decided opposition be apparent, after it is reprinted, rather than consume the time of the House in discussions, my right hon. Friend, after reprinting the Bill with the modifications, which I believe are not great, will not press it against the decided sense of any considerable number of the Members of the House. He means also to relinquish the Justices' Clerks and Clerks of the Peace Bill; and, as I said before, the Parochial Settlement Bill. I omitted to state that there is expected from the Lords some Bill of considerable importance—one relative to the Slave Trade, which is now under consideration in that House, and has passed the second reading. Another measure, brought forward by the Board of Trade, or the Board of Admiralty, will also be persevered in. I allude to the Merchant Seamen's Bill, which I think we may fairly hope to to pass into a law. There is another Bill, called the Merchant Seamen's Fund Bill, which we propose to postpone. If it meet with the general concurrence of the House, we shall take the course that I have now mentioned. There are several other Bills for which Her Majesty's Government are not responsible; but I confine myself to the chief. I need not advert to those in charge of

private Members. I have here a list of, I believe, seventeen, which are under the charge of individual Members of Parliament, such as the Coal Trade Bill, and others; and these I cannot be expected to give any opinion upon. With respect to the Charitable Trusts Bill, I believe it to be a Bill of very great importance. Her Majesty's Government, after full consideration, approved of the principle of that Bill; but still I am justified in stating that it has been brought under the consideration of Parliament at so late a period of the Session, that I scarcely think it can be persevered in with any probability of success in this Session. From the great number of persons interested in it, I think it would be sure to lead to a protracted discussion, and I think it will cause a good deal of local excitement and fruitless consumption of time if it be not dropped. With that Bill we do not therefore propose to persevere; and I will add, that the parties interested in it are entitled to a better opportunity of having their interests attended to than they could be at this period of the Session. I am not aware that there are any other measures which it is necessary for me to refer to. [An hon. *Member:* The Ecclesiastical Courts Bill.] That is a Bill of which the noble Lord opposite (Lord John Russell) has charge. As that Bill is founded on similar principles as the Bill which Her Majesty's Government brought in on a former occasion, I must say that I shall feel bound to vote for the second reading; but at the same time I cannot, on the part of Her Majesty's Government, pledge myself to any support of the details of the measure. If the noble Lord wishes to have an opportunity of taking the sense of the House on the second reading of the Bill, I certainly shall give my consent to the second reading; but at the same time I cannot promise any farther assistance in carrying it through the House farther than to affirm the principle of the Bill. If the noble Lord wishes me to enter into any other arrangement, on the part of Her Majesty's Government I must beg to decline. [Captain *Berkeley:* What of the Small Debts Bill?] I rather think that this is one of the Bills which we propose to proceed with. There are also Bills relating to the Geological Society, to the consolidation of land revenue, and other Bills which we will go on with. [Mr. *Collett:* The Commons' Enclosure Bill?] I will propose to assign a morning sitting to this Bill; and I do hope, after the general impression which exists of the Bill being favourable to the interests of the working classes of society, that it will be allowed to pass. There is another measure that I am anxious to have the concurrence of the House in favour of. We have recently made very important alterations in the Customs Acts, and I think that thirteen years have now elapsed since the consolidation of the Customs Laws. The consolidation of these laws has been found a great convenience to the merchants; and we are prepared to bring in a Bill on this subject, which I hope will be allowed to pass without difficulty. The Act will be found to be a great convenience to the mercantile body; and I hope it will be carried without any attempt to pass abstract Amendments, which would have the effect of substantially postponing the measure for another Session. If it meets with the unanimous concurrence of the House, I would wish to pass a Bill just to consolidate the law, and to do so in as brief a form as possible, and if even verbal changes were to be introduced, full notice should be given of it. [Mr. *M. Bellew:* The Lunacy Bills?] The Lunacy Bill stands on the Motion of my noble Friend for Thursday. [Mr. *Shaw:* What of the Irish Landlords and Tenants Bill?] That has not come down yet from the other House.

Lord *John Russell:* The Bill alluded to by the right hon. Baronet—the Ecclesiastical Courts Bill—is one of which I took charge, on finding that my right hon. Friend the Member for Devonport (Sir George Grey), who was far better qualified to conduct it through the House than I am, was not able to do so. I thought the right hon. Baronet would have been enabled to say, with respect to that Bill, that there was a sufficient number of Government days on which it might go through the House, either for its acceptance or its rejection. If he had done so, I should be prepared to go on with it; but I do not conceive that any purpose would be answered by proceeding to the second reading of a Bill nearly similar to that which was introduced by Her Majesty's Government in 1843, and the second reading of which was affirmed. I should hope, however, that in the course of the next Session Her Majesty's Government will undertake to bring forward such a Bill; and certainly if they do not, either I or my right hon. Friend will undertake it, and in that case I should hope that the right hon. Gentleman will give it that support which I gave

his Bill for regulating controverted elections. I am not prepared, under these circumstances, to carry the Bill farther on the present occasion. The right hon. Baronet appeared rather to think that those Members who have Amendments to propose, on the House going into Committee of Supply, would be willing to forego their right. I am sorry to say that I am not prepared to hold out any hope to the right hon. Baronet of his desires in this respect being likely to meet with much support; and I have farther to inform him that another question will probably be added to them, provided no other opportunity presents itself for bringing it forward. The question is one that naturally arises in consequence of the recent proceedings that have taken place with regard to the correspondence that has been published on the subject of Spanish colonial sugar between Her Majesty's Government and the Government of Spain. My noble Friend the Member for Tiverton (Lord Palmerston) intends to draw the attention of the House to this subject; and he will, I am sure, be willing to fix it in any manner that will best suit the convenience of the House both as to time and to the exact form in which he would make it. The subject is one which now occupies much public attention; and, as the correspondence has only recently been printed, the Motion is one that could not have been brought forward earlier. With regard to the selection of Bills that the right hon. Gentleman has made, I have only to state that I am glad to find that certain Bills have been given up; and for my part, so far from exhibiting the spirit that is usually shown towards the Government on such occasions, and of considering them much to blame because Bills introduced in February should be dropped in July, I freely admit that it is almost unavoidable when measures of great importance are brought forward in the early part of the Session, that other measures must be unavoidably kept back. In conclusion, the noble Lord asked the right hon. Baronet whether the Bill respecting the duty on coals would be persevered in or otherwise?

Sir *R. Peel* said, the Bill was in the nature of a continuous Bill, and should therefore be brought on.

Captain *B. Osborne* would not oppose the bringing up of the Report on the Irish Colleges Bill, if his Motion could be taken on the third reading. As he was on his legs, he would wish to ask the right hon. Baronet whether it were the intention of Her Majesty's Government, if the Landlords and Tenants Bill came down from the Lords, to carry it through that House this Session. He was the more anxious that a distinct answer should be given on this subject, because he believed the great majority of the Irish Members were waiting in town merely to know the course which was intended to be taken with regard to that Bill.

Sir *R. Peel* said, the Bill had been referred to a Select Committee of the House of Lords, and until it came forth from that Committee, it was impossible that he could say what course the Government would pursue with respect to it.

Sir *Robert Inglis* was well satisfied that his noble Friend (Lord John Russell) had withdrawn from the further consideration of the House his Ecclesiastical Courts Bill. He trusted that the House would correctly understand his right hon. Friend (Sir Robert Peel) when he had stated that he was favourable to the principle of the noble Lord's Bill, inasmuch as he had himself introduced a similar measure to the House on a former occasion. Now he wished to remind the right hon. Baronet that the Bill which they had received, not indeed from his hand, but from his Government, was a Bill much less objectionable in its provisions than the analogous Bill of his noble Friend opposite. He hoped, therefore, that the right hon. Baronet would explain to the House that he would not adopt the noble Lord's Bill instead of his own.

Sir *R. Peel* said, Her Majesty's Government had very maturely considered the alterations which it would be desirable to have made in the state of the Ecclesiastical Courts; and they had accordingly brought a measure before Parliament, which had been assented to—he would not say by a very large majority, but by a majority of the House on the second reading. He should state that he preferred that Bill to the second Bill, now pending; and in stating that he was ready to vote with the noble Lord in favour of the second reading, he did not consider that he was adopting the measures of the noble Lord, in preference to the first Bill.

Mr. *Redington* said, he would wish to know whether it was the intention of Her Majesty's Government to introduce any measure for the registration of voters in Ireland, and also for an Amendment of the Municipal Corporations Bill in that coun-

try. He thought it was somewhat extraordinary that the whole Session had been allowed to elapse without any Bills being laid on the Table of the House on these two important subjects, both of which were so much in need of alteration.

Sir *Robert Peel* said, it was distinctly stated by him, at a very early period of the Session, that he was anxious to introduce certain measures relating to Ireland, among which he wished that the Bill for the improvement of Maynooth, and the Irish Colleges Bill, should have precedence. A week would probably elapse before the latter Bill would leave that House, and under those circumstances, and considering how the Session had been occupied, he did not think the hon. Gentleman had a right to complain of any want of attention in the present Session to Irish measures. The right hon. Baronet was understood to add, that it was the wish of Her Majesty's Government that the Irish Municipal bodies should be placed upon the same footing as the English corporations.

Mr. *Hume* said, he wished to have some understanding with regard to the tax upon coals. He would be glad that the Government should fix some day for discussing that subject. He objected to the tax of one penny a ton being fixed on coals, to be expended under the control of the Commissioners of Woods and Forests.

Sir *R. Peel* said, he could not at present fix a day for that purpose. The House should recollect that the tax alluded to by the hon. Member was not a tax imposed by Government, but a tax for effecting local improvements in certain parts of the metropolis.

THE MAGISTRACY OF IRELAND.] Viscount *Clements* alluded to a letter read by the Marquis of Headfort at a meeting held in Ireland last week, of which the following was a part:—

"*Dublin Castle, July* 1, 1845.

"My Lord—I am directed by the Lord Lieutenant to state, for the information of your Lordship and the magistrates of the county of Cavan, in reference to the resolutions of a former meeting of the magistrates of the county, communicated to his Excellency by the Lord Farnham, that his Excellency has appointed Mr. Wilcocks to be superintending magistrate of the county of Leitrim and its borders, and that the following resident magistrates have been directed to place themselves in immediate communication with him for the purpose of more combined and effectual exertion towards the suppression of outrage; and his Excellency trusts that the local as well as the stipendiary magistrates of the county will derive much advantage from this arrangement. Mr. Wilcocks has been directed to cultivate the most confidential intercourse with the local magistracy and with the military officers in command of troops in his district; and his Excellency has no doubt, from his known character and experience, that he will carry out the views of Government with regard to the district thus placed in his charge."

He (Lord Clements) wished to know what was meant by a superintending magistrate, and what were the intentions of Government?

Sir *T. Fremantle* thought, that if the noble Lord would read the letter throughout deliberately, he would be able to answer his own question, both with regard to what was meant by a superintending magistrate, and the intentions of Her Majesty's Government. But he would inform the noble Lord, that the Government intended to use every exertion, and all the means which the existing law allowed them, to preserve the public peace in the disturbed districts of Ireland. An additional number of stipendiary magistrates had been appointed to those districts. Ten gentlemen had been directed to meet, in order to concert measures for effectually dealing with the state of affairs, and for dividing the districts and arranging the constabulary force for that purpose. It was thought desirable that one of the magistrates, Mr. Wilcocks, should act as the superintending magistrate of the county of Leitrim; with whom the resident magistrates, for the purpose of more combined and effectual exertion, should put themselves into communication, Mr. Wilcocks being the organ and channel of communication between them and the Government. The plan was similar to that which was adopted some years ago in reference to the county of Tipperary. It was not intended that Mr. Wilcocks should have any authority over the other magistrates. As to the intentions of Her Majesty's Government, if the noble Lord would put his question more explicitly, he should be able, perhaps, to answer it more fully. But the Government was determined to use all the power they possessed, and they hoped successfully, to restore order and tranquillity in those districts where outrages had lately taken place.

PRIVILEGE—CASE OF MR. PARROTT.] On the Question that the petition pre-

sented by Jasper Parrott, Esq., be further considered,

Sir *J. Y. Buller* rose to present a petition from Theodore Divett, of Totness, Devon, attorney, who stated therein that Charles Edwards was his partner, and had brought an action against Mr. Jasper Parrott, on behalf of one David Phillips, without ever having consulted the petitioner on the subject. Petitioner had never interfered in the proceedings, they being entirely conducted by the said Charles Edwards. The petitioner, therefore, prayed that he might be discharged from further attendance on the House. The hon. Baronet said, that the petitioner had assured him privately that these statements were true. He moved that the petition be laid on the Table of the House, and trusted that its prayer would be granted.

Petition to lie on the Table.

Sir *J. Y. Buller* also presented a petition from Charles Edwards, of Totness, and Thomas Baker, of Lime Street, attorneys, stating, that they had brought the action against Mr. Parrott on account of giving evidence before a Committee of that House, which evidence was stated in the declaration to be wilfully and maliciously false; that, in so doing, they were not aware that they were committing a breach of privilege, as they did not suppose that privilege would be extended to evidence not given *bonâ fide*. The petitioners also stated, that the indictment was so brought that the action would not lie unless it could be proved, in the first instance, that the evidence was known to be false at the time it was given. They trusted that the House would not deem them guilty of an infraction of its privileges; and if they had committed a breach of privilege, they had done so unintentionally; and they prayed the House to take all these circumstances into consideration.

Petition laid on the Table.

On the Motion of Mr. *Divett*, Mr. David Phillips was called to the bar.

In answer to questions put by Mr. *Speaker*, he stated that he was a surgeon, residing in the parish of Buckfastleigh, in the county of Devon, and plaintiff in the action of "Phillips *v.* Parrott;" that the action was brought partly for what Mr. Parrott had stated before a Committee of that House, and partly for what he had stated before the board of guardians of Totness. Had heard the declaration in this action read. Was aware that the statement in the declaration related to a question put to Mr. Parrott by an hon. Member of that House.

Are you aware that the answer given by Mr. Parrott to that question is stated in the declaration?

In reply to this question, the witness stated that he had no perfect recollection of the particular expressions. He understood them at the time he heard the declaration read. He had no intention of infringing on the privileges of the House; he knew nothing of the question of privilege: if he had done wrong he had acted unintentionally, and expressed his regret. He had pursued every means for the protection of his character, and had tried every means to get redress. All he wished for was, to defend his character; and he requested the board of guardians and Mr. Parrott to bring the matter forward, for the purpose of its being examined into, before he went to law. He had also written to the Poor Law Commissioners on the subject; but their answer was, that they could not interfere in the matter. His character had been destroyed, or attempted to be destroyed, and he was thrown out of his situation. It was twenty-four years since he had begun practice, and he was now no longer allowed to be the medical officer of the Union in which he was residing. The statement made against him in the Medical Poor Relief Committee was from beginning to end false, and he believed maliciously so. There was not one word of truth in it from beginning to end.

Sir *J. Y. Buller* asked the witness whether, being now aware that he had committed a breach of privilege, by calling in question evidence given before a Committee of that House, he was now willing to instruct his agents to withdraw the action?

The witness stated, that he would bow submissively to the House; but he hoped that the House would take some steps to inquire respecting his character.

By Mr. *Divett*: Witness gave instructions to his solicitors to commence the action, he thought, about October, November, or December last: he left to his attorney to determine in what court to bring the action. After calling on the board of guardians to inquire respecting this matter, he wrote a circular to all the guardians; and he took the liberty, on the 22nd of November, of directing one to the noble Lord (Ashley) who presided over the Medical Poor Relief Committee.

In answer to questions put by several hon. Members, the witness proceeded to

state, that he felt himself aggrieved by the board of guardians collectively; he received no answer to the circular which he sent to Lord Ashley; he had been told, since he had been in town, that the best course for him to pursue was, to petition the House to inquire into the truth or falsehood of the evidence of which he complained; but he had hitherto presented no petition to that effect. He wrote the circular to Lord Ashley some time before the commencement of the action. The statement of which he complained was made before a Committee of that House. At the first meeting of the board of guardians after Mr. Parrott's return, Mr. Parrott said that the statements which he had made would shortly be printed and published, and that then would be seen what he had said.

Sir *T. Wilde* inquired whether there was any matter of complaint in the declaration, except the statement made by Mr. Parrott before a Committee of that House?

The witness said he had not read the declaration himself, but had heard it read, and it was perfectly in accordance with the explanation he had given. He was little acquainted with legal technicalities; but having read the statement made against him by Mr. Parrott before a Committee of that House, he declared that, from beginning to end, it was perfectly untrue; his action was brought for that matter, and the insinuation made by Mr. Parrott, in the board-room, on his return from London, to the effect that he would not then go into the statements, but that they might be seen when printed and published: not having taken a copy of the declaration, witness could not say whether anything was read to him from the declaration, except the evidence of Mr. Parrott before the Committee of that House.

By Mr. *Baldwin:* Witness had lost all his parish business; but could not say how far his private practice had suffered.

Mr. Phillips withdrew.

On the Question that Mr. Charles Edwards, attorney, be called to the bar, being put,

Lord *J. Russell* doubted whether, before going further, they ought not to take into consideration the answer of the last witness to a question put by the hon. Baronet the Member for South Devon (Sir J. Buller). The witness had stated that he was willing to withdraw his action, and submit himself to the House. If that were the case, if the witness did not wish to offend against the privileges of the House, and they should obtain from him a formal declaration in answer to a question put by the Speaker to that effect, he (Lord J. Russell) thought the House would have some grounds to proceed upon with regard to what was to be done. If such an answer should be given, he did not think it necessary, at least to-day, to examine the attorneys in the case.

Mr. *Divett* could not agree with his noble Friend; it was evident that the party they had had before them knew very little of the privileges of the House; but his attorneys did, and, if they advised him, were the culpable parties. He must persist in his Motion that Mr. Charles Edwards be called to the bar.

Mr. *Hindley* said, the House ought to consider whether the allegations contained in the statement of Mr. Phillips were correct or not, before they engaged in a contest with the attorneys in the case. He thought that gentleman had stated a case which it was incumbent on them to investigate; they ought to do their utmost to ascertain the truth, but not allow any one to make statements injurious to private character.

Sir *R. Peel* was inclined to agree with the suggestions of the noble Lord opposite; he thought it must be evident to every one that the witness who had appeared at the bar was not very competent to judge what was a question of privilege. He understood the witness to say that he was not cognizant of the privileges of the House, nor had he intended to infringe them. The House had sufficient evidence before it to come to the conclusion that the witness was aware he had committed an error, and was sorry for it. He thought substantial justice would be done if the witness, being apprised that this was not the way to attempt to obtain redress, should consent to withdraw the action, and the House should receive his acknowledgment that it was commenced in error; the House would afford the witness an opportunity of substantiating his case if it thought what had been stated before the Committee was false.

Mr. *Roebuck* admitted that the House had received reparation as far as regarded the witness himself; but he was not the only offender. The real offender was behind; the person who had really offended was the attorney. The House ought to have from him the same assurance that he

had committed the offence, and was sorry for it. Unless he distinctly asked pardon of the House, it ought not to be satisfied.

Sir *T. Wilde* hoped he should not be thought one who disregarded the privileges of that House; he wished to keep a broad distinction between the questions, whether parties should be allowed to submit to the courts of law the privileges of that House, and what the House might think proper to do on a complaint made to it by parties thinking themselves injured by matter published under its authority; these two questions were quite distinct from each other. Considering the present state of the question of Parliamentary privilege, it struck him that it would be unbecoming in the House suddenly to take up a case with the strong hand; after the late discussion on this subject a reasonable doubt might be entertained as to what would break the privileges of the House, and what would not. The House might well be satisfied with bringing the party to the bar, and warning him that this was a case involving a breach of its privileges, accepting his apology and offer to stay proceedings, rather than at once proceed against other parties or the attorneys. He thought the witness had given a sufficient indication of his desire to submit to the decision of the House; they had a statement that at a subsequent time the House would give him an opportunity of obtaining justice with regard to his character. But at the present moment the question before the House was whether this individual was guilty of a breach of the privileges of the House, whether he had done so knowingly, and whether he was inclined now to submit respectfully to the authority of the House? He thought, from the manner in which the witness had conducted himself, that he was willing to submit to the authority of the House; he entirely gave up his action. He thought they had better accept his submission, and for the present pass the subject by, because this revival of the authority of the House might be an example to others who would come before them with much less ground for excuse than the individual then in attendance; therefore, allowing the question suggested to be put by the Speaker, would be the best course for the dignity of the House. If they thought fit, they might afterwards call in the attorney, but they had better first dispose of the individual before them. With respect to the attorney, he could not proceed after his client had given up the action; and as the late discussion had raised a doubt if the House had any privileges at all, whether this complaint might be a subject for legal investigation or not, it would be well for it to accept the apology, and, satisfied with that, to proceed no further.

Sir *R. Inglis* said, as he understood it, the suggestion was that the witness should be recalled, and on stating his regret for having offended the House, and his willingness to withdraw the action, he should be released. But he agreed with the hon. and learned Member for Bath, that the House was bound to proceed much further with respect to the two gentlemen who had framed the declaration. It was perfectly clear that the action was brought in respect to evidence given under the protection of that House; and such evidence was essential if they meant to discharge any functions of inquiry at all. So far he was perfectly willing to support the privileges of the House. On a repetition of the expression of regret for having violated the privileges of the House, and a formal renunciation of the action, the witness might be discharged.

Viscount *Howick* believed the witness was disposed to yield to the authority of the House; but he confessed he had a great objection to the suggested mode of proceeding—that of calling the witness in person to the bar, and asking him whether he was prepared to make that submission. The very fact of the House asking such a question would, in many cases, rather invite resistance. The more proper course would be, that the House should come to a Resolution declaring that the parties aggrieved by evidence given before a Committee of that House or at its bar, instead of seeking redress by an appeal to a court of law, should be bound to seek redress by applying for protection to that House. If this gentleman was aggrieved by such evidence, he ought to have petitioned the House for permission to proceed against the person giving the evidence in a court of law; or the House might have appointed a Committee to inquire into the justice of the complaint. But if they permitted legal proceedings to be instituted in the first instance, inquiry before a Committee would be nugatory. Having come to such a Resolution, they could adjourn further proceedings with respect to this party till he thought proper to petition them, withdrawing his action, and appealing to the House for redress. The moment such a petition

was presented, he should approve of his discharge from custody; but he would not consent that Mr. Phillips should be called to the bar and invited to make concessions, which he might possibly refuse, and by the refusal of which he would increase the difficulties and lower the dignity of the House. He had drawn up a Resolution on the subject to this effect:—"That the House does not allow any person aggrieved by statements made by witnesses before Committees or at the bar of the House, to institute legal proceedings against such witness for evidence so given, without previous permission from the House; and persons so aggrieved are bound in the first instance to appeal for redress to that House."

Mr. *Hume* had no objection to this being done; but they should first ascertain who had brought the action. The witness seemed to know very little about it.

Sir *R. Peel* said, there was one case so much in point, that the House ought to be aware of it. It occurred in the reign of William III., when a person named Gee prosecuted certain individuals for petitioning the House, and in their petition making allegations against his character. The matter was heard, and Gee alleged by his counsel that what he had done he had done in ignorance; when he found the question was taken notice of by the House, he ceased his action; but, notwithstanding that submission, the House voted it a breach of its privileges, and gave him in custody of the Sergeant-at-Arms.

Sir *G. Grey* said, that as the witness submitted to the House, there was no doubt he would consent to present such a petition; and he suggested the question should be adjourned till to-morrow, to enable such a petition to be prepared.

Mr. *D. Dundas* had more than once felt that they were proceeding against the rules of natural justice. Here was a man standing without counsel or help before an assembly of this kind; in the case cited by the right hon. Baronet, that of "Gee and Kemp," the party rebelling against the authority of the House was furnished with counsel. In the present case they were not acting according to justice; they called on this unlearned person at the bar to explain the meaning of legal declarations, and asked him other questions which many learned Gentlemen in that House would find it difficult to answer. In the case cited, the question was referred to a Committee of that House. He believed that Committee was attended by counsel, and on the Report of the Committee the House acted. In the case of Gee, the petitioners were a number of hackney coachmen, who alleged several grievances; among them that Gee, as a commissioner of hackney coaches, had received bribes for licensing, and had acted harshly towards them; and prayed the House to remove him from his office. Gee brought an action against the petitioners, calling the allegations scandalous libels. But it was held that such a course was a breach of privilege, tending to discourage people from seeking redress of grievances in the form of petition. The case was referred to a Committee on the 9th of February, 1696, which made a Report. Gee said that what he had done was entirely in ignorance of the privileges of the House; this witness said the same. Gee said he did it to save his reputation and character; so did this gentleman. Unless the House showed itself firm, they would have a plentiful crop of actions; they would have small attorneys, and perhaps large ones, bringing actions against witnesses for what they stated before Committees of that House. He hoped, before the House took any step that would shut the door against further inquiry, it would refer the matter to a Committee, and when the parties had been heard by themselves or their counsel, take such steps on the Report of the Committee as would maintain the dignity of the House, and prevent actions from being brought which were not only harassing to the parties, but, if successful, destructive to the authority of the House.

Lord *J. Russell*, after what had been said, thought there was little doubt except as to the mode of proceeding. If it was more regular that a petition should be presented to the House, he thought it better they should not proceed further without deliberation. He would move as an Amendment, that "to-morrow" be inserted in the Motion instead of "to-day."

The *Speaker* having put the Question,

Mr. *Divett* said, if it was the wish of the House that he should give way, he had no objection; but if he did so, it would be with the reservation of the right to call the attorney and the other parties to the bar.

Sir *T. Wilde* said, he would be prepared to move a Resolution to the effect that it was made apparent to the House that Mr. Phillips had brought an action on evidence given before a Committee of that House, and that his having done so was a breach of privilege. He believed that a petition

from Mr. Phillips was already in the hands of an hon. Member.

Sir *J. Y. Buller* said, he had such a petition. It expressed the petitioner's regret that the action should have been brought. It stated, that at the time of commencing the action, he was not aware that he was committing a breach of the privileges of the House, but that he had since been informed that it was; and he now expressed his humble regret and contrition, and assured the House that no further proceedings should be taken in the said action.

Sir *R. Inglis* thought that it would be better, if the House determined to release Mr. Phillips, that he should be brought to the bar for that purpose immediately, as his detention till to-morrow would cause him considerable inconvenience and injury. At the same time, he doubted whether they ought to terminate their inquiry on the mere expression of Mr. Phillips's regret, and without being prepared to act with respect to the other parties also.

Mr. *Warburton* hoped the hon. Member for Exeter would withdraw his Motion, so as to enable the House to dispose of Mr. Phillips's case, leaving that of Mr. Edwards and the other parties to be dealt with afterwards.

Lord *J. Russell* said, that in moving his Amendment, his object was to enable the House to come to some arrangement with respect to Mr. Phillips, before dealing with the case of Mr. Edwards and the others. He would withdraw his Amendment, if the hon. Member for Exeter would withdraw his Motion, the question as to the other parties being still left open.

Amendment and Original Motion withdrawn.

Sir *T. Wilde* then moved—

"That it appears to this House that the Action brought by David Phillips against Jaspar Parrott, Esq. is brought in respect of the Evidence given by Mr. Parrott before a Committee of this House."

Motion agreed to.

The hon. and learned Member then mov—

"That the commencement of the said Action was a Breach of the Privilege of this House."

Also agreed to.

Sir *J. Y. Buller* presented the petition of Mr. Phillips, expressing his regret that he had unknowingly violated the privileges of the House, etc., which was read.

Sir *R. Peel* moved the following Resolution:—

"That in consideration that David Phillips has in his Petition, presented to this House, disclaimed all intention to violate its Privileges in the commencement of the said Action; and has expressed his contrition for his offence, and prayed the lenient consideration of the House for the same, and declared his intention not to proceed further in the said Action, this House does not deem it to be necessary to take any further steps for the punishment of the said offence."

Resolution agreed to, and it was ordered that David Phillips be discharged from any further attendance on the House.

Mr. *Divett* moved that Charles Edwards be brought to the bar.

Sir *T. Wilde* suggested the expediency of allowing the attorney until to-morrow to present a petition, if he thought fit. At all events, whether he came prepared to make his peace or not, the House would be in a better position to-morrow to deal with the case. He moved an Amendment accordingly.

Mr. *Roebuck* said, he could not see any use in delay. The whole matter might be got through in half an hour.

Viscount *Howick* was in favour of postponing any further proceedings until to-morrow. It would, in his opinion, be exceedingly impolitic to call the parties to the bar before they knew whether they were prepared to make concessions or not.

Mr. *Hume* was for proceeding immediately. It appeared to him that they would be lowering their own dignity by delay.

Mr. *Divett* would be very sorry to divide the House on a minor point of this description. If he could gather the general feeling of the House, it was in favour of postponement until to-morrow. ["No, no."] Some hon. Members, at all events, were opposed to proceeding that evening; and with the consent of the House, therefore, he would withdraw his Motion, and move instead, that the parties should be ordered to attend at the bar to-morrow.

Mr. *Wakley* said, they had settled the matter with the principal; but the lawyer, who was the real sinner, was then in the lobby. The unfortunate Phillips had acted, no doubt, under the advice of his solicitor. With regard to him the proceeding was at an end, he having declared that he would abandon his action. All that the attorney could do was to show his contempt for their authority. If Edwards were called in that evening, he

would probably tell them under whose advice he had acted, and what counsel it was who drew up the declaration.

Mr. *Granger* said, that he could not agree with the noble Lord the Member for Sunderland, who said that it was inexpedient to call the attorney to the bar until he was prepared to state that he would make a submission to the House. There was no doubt that bringing an action, under the circumstances of this case, was a breach of the privileges of this House, and as they had already dealt with the principal in the action, he did not see why they should not have the attorney at the bar. He thought the most dignified course to pursue was to call in the attorney at once, and if he were prepared for submission, then they might postpone any further proceedings till to-morrow.

Viscount *Howick* stated that he had not said one word bearing the remotest approach to what the hon. Member (Mr. Granger) had attributed to him. What he said was, that the true mode of proceeding was, for the party to present a petition, expressing his submission, as, by asking him if he would submit, the House would invite refusal.

Sir *R. Peel* said, that they had received the declaration of the plaintiff, to the effect that he would not go on with the action; and after that declaration, it was quite clear the attorney could not proceed. All that the attorney could do in the case was to express his contrition for having undertaken the action, and after that expression of contrition, the question for the House to entertain was, whether or not the expression of his contrition was to be received as sufficient. He thought they had properly disposed of the case of the principal; but he was not so clear in his opinion as to the course recommended of entering into a contest with the attorney, as the case could not now go on, the principal having expressed his intention of not proceeding further with it.

Mr. *Hume* hoped the right hon. Baronet would, under those circumstances, either move that the order for the attendance of the parties be discharged, or that they should be summoned to appear without delay.

Sir *T. Wilde* said, that in this case the attorney could not go on without the consent of the plaintiff. There were cases in which the attorney might proceed to save his costs, when there was collusion between the plaintiff and defendant, to prevent the attorney from getting his costs; but in the present case there was a *bonâ fide* cessation of the action, and the attorney could not proceed with it even though he should lose his costs.

Mr. *Borthwick* said he was authorized to say, on the behalf of the parties who were the subjects of the Motion before the House, that if they had committed any breach of the privileges of the House, they were sorry for having done so.

Sir *Robert Peel* said, that what those parties were prepared to do could not for a moment enter into his mind so as to influence the course which he should recommend to the House; and he, therefore, could not feel the more inclined to call them to the bar, because the House had an assurance that they were sorry. It would be a shabby course, if they called in those parties, because, forsooth, they knew that they would express their sorrow at the bar for the course which they had adopted with respect to this action.

Mr. *T. Duncombe* said, that the right hon. Baronet ought to bring the parties to the bar at once, or to discharge them altogether. If they gave the parties time until to-morrow to consider what course they should pursue, there might be many learned Gentlemen in this town who would advise them not to present a petition to the House expressing their submission. The question might then arise what redress an individual was to have who was slandered or defamed before a Committee of that House. If a witness gave false evidence before an Election Committee, he was likely to be indicted for perjury; and he did not see why witnesses before other Parliamentary Committees ought not to be equally amenable to the law. It would appear as if the House must in the end allow an action, if a witness gave false and slanderous evidence. In the present case the plaintiff stated, that by the evidence of Parrott, he had been ruined in his profession, in his purse, and in his prospects; and what redress could he obtain? He thought it would be better to discharge the order for attendance, and he should have been pleased if all the parties had been mentioned in the Resolution discharging Mr. Phillips.

Sir *T. Wilde* said, that the Resolution discharging Phillips was directed only to him, because no other parties were then before them. There was a very great difference between the evidence of an individual before a Committee of that House,

and the evidence in a court of law; for before the Committee of that House there was no particular issue to be tried, and the witness had his mind ransacked by every question which the Committee pleased, being left no option. So that where questions were put at large to a witness, and in such a manner, it would be monstrous to confine him to the technical rules of evidence. When a man volunteered evidence of a defamatory character, the person so defamed would be in a very different position as regarded reparation; but where a witness was compelled to give evidence, it would be monstrous to allow the common law means of punishment to be brought against him, as if he had volunteered it. They should not come to a side-wind decision as to what was to be done for a person who had slanderous evidence given against him before a Committee of the House. The question as to what justice should be rendered to a person in such a situation should not be gone into at present, because it would not facilitate the decision of the present question, which was, what was to be done with the attorney in the action? He agreed with his hon. Friend that the other question was an important one; and if his hon. Friend should bring it before the House, he should be ready to render him all the assistance in his power. At the present it was expedient that the House should confine their attention to the question, whether it were proper that they should call the attorney to the bar to answer for his conduct, or whether, instead of calling him immediately forward, they should postpone calling him before them till to-morrow? He hoped the House was prepared to maintain its privileges; but he hoped also, that as it was not necessary to do so, they would not embark at present on the question raised by his hon. Friend. He thought that all that was expedient now was, that the parties who had violated the privileges of the House should be called forward to-morrow.

Mr. *Roebuck* observed that the noble Lord had suggested that the matter should rest where it was until to-morrow, and that the parties should, in the meantime, find out what the House had resolved upon. Now the dignified, straightforward, simple, and manly course was to bring them forward to the bar immediately, and to say to them that they (the House) had read their petition, and had resolved that the action which they had brought was a breach of privilege. Thereupon he had no doubt what would follow. Knowing the will and determination of the House in the matter, the parties would bow in submission to them, and would say that they had been wrongly advised in the step which they had taken; that they were mistaken in what they did; that they were sorry for it; and that now, upon being informed what was the determination of this House, they were ready to submit. That was the simple course to adopt. The noble Lord virtually proposed to shut up the whole matter. Could they do the parties any injury by calling them in? Could they risk the dignity of the House by calling them in? He was desirous that they should be immediately called to the bar, and that the proposal to postpone their appearance till to morrow should be rejected.

Sir *T. Wilde* apprehended that the noble Lord was quite right in suggesting that the other party should not be called immediately in. They had resolved that the commencement of the action was a breach of privilege. They had also an acknowledgment by the attorney, who presented a petition, that he was the party who had brought the action, and he stated his reasons for bringing it. Therefore there was no doubt but that he was guilty of a breach of privilege. The only thing in which he differed from the noble Lord was, that they should now come to a resolution that their privileges had been infringed, and then adjourn the matter over till to-morrow. In order to avoid placing themselves in a situation of being compelled to act, they should give the parties an opportunity of presenting a petition, and making their peace with the House. [An hon. *Member:* If called now, they might apologize.] Apologize! How are they to apologize? The House could not accept an apology at the bar. The Parliamentary mode of apologizing was by petition. That was the only mode in which the House could entertain an apology. The more dignified course would be to adjourn the consideration of the subject till to-morrow. If they called the offending parties to the bar to-night, they would, he apprehended, be compelled to come to-night to some sort of resolution or another. If they must commit Mr. Edwards and Mr. Baker, as for breach of privilege, unless in the Parliamentary mode they made an apology to

the House, and if the House thought fit to sit still whilst the parties prepared their petition, all he could say was, that such was neither the usual nor the dignified course of proceeding. By adjourning the matter till to-morrow there would be no difficulty, as they might then vote that the parties had broken the privileges of the House, and then, if they thought fit to accept the apology, which the parties might make in the proper form, they might resolve that such apology was sufficient. It was not expedient to call them forward to-night, when, by their so doing, the parties would not have the opportunity of conciliating the House, and confessing their error.

Mr. *Greene* wished to ask the Speaker a question in reference to the point, as to whether a verbal apology at the bar was or was not sufficient to entitle a party to the indulgence of the House. He apprehended that a party standing at the bar, and there stating, in the presence of the House, that he regretted the course which he had taken, and praying the indulgence of the House, would adopt a course sufficient to maintain the privileges of the House, and that the House might act upon such a statement. If the parties were called to the bar, and were disposed to make such statement and application to the House, he apprehended that such would, in the present instance, be sufficient, without calling upon the parties to petition. Such a course would be quite sufficient to maintain the privileges of the House.

Sir *James Graham* wished, before the Speaker answered the question put to him, to remind him of what the right hon. Gentleman had most likely not forgotten, that on the first appearance of Howard at the bar of the House, submission was made verbally, and not by petition.

Mr. *Speaker* observed that the right hon. Baronet had reminded him of a case which supported the views which he had originally entertained of the matter, that it was not absolutely necessary that the parties should petition the House. If the parties should appear and submit themselves verbally at the bar of the House, that, he apprehended, would be sufficient. In this case it was necessary that the House should come to some determination as to what he should address to the parties when they were called to the bar.

Mr. *Bernal* said, that although he was disposed to concur in what the hon. Member for Finsbury had said, he was also disposed to agree with the hon. and learned Gentleman (Sir Thomas Wilde), who suggested that that question could not properly be brought forward on the present occasion. Unless they were prepared to say that the parties should be at once discharged, he was not disposed to have their attendance at the bar immediately.

Sir *R. Inglis* did not feel satisfied with the statement of the parties that they had acted in ignorance, because he saw in their declarations a most studied avoidance of any reference to the source whence they obtained their information.

The *Chancellor of the Exchequer* observed, that in the first petition which they had presented that evening, these gentlemen stated that they apprehended that the state of the law was that a witness was protected, except when he maliciously and slanderously stated facts which were not true, in giving his evidence; and that, as a witness was not protected, under such circumstances, in a court of justice, they had argued that the protection of the House of Commons extended no further than that afforded to witnesses by a court of justice, and that it was under that impression that they had brought the action against the defendant. He had himself looked into the law on this matter, and found that there were strong opinions on the one side as well as on the other, as to whether witnesses were or were not to be protected who gave evidence in a court of justice of matters not true, with a slanderous and malicious intent.

Sir *R. Peel* would repeat that he thought they were entering into a very unworthy contest with the attorneys in the cause, as they had got a sufficient apology from the principal; and if any inducement were wanting to desist from proceeding further in the matter, it now appeared that an apology in a proper form was to be given immediately by the attorneys.

Mr. *Granger* observed, that to him the debate had been very unsatisfactory. He feared that their course to-night would teach the public that if a man were bold enough to stand at their bar and defy them, the House would shrink from proceeding against him.

Motion and Amendment withdrawn.

Sir *John Yarde Buller* presented a petition from Charles Edwards, Thomas Baker, and the other parties summoned to appear before the House, stating that they were not aware, in bringing the action complained of, that they were guilty of a breach of the privileges of the House, expressing their contrition at having violated its privileges, and throwing themselves upon the indulgence of the House.

Viscount *Howick* observed that all that now remained to be done was that the House should come to the same resolution as it had come to in the case of Mr. Phillips, and state that, in consideration that Charles Edwards, Thomas Baker, and others, had, in the petition presented by them, disclaimed all intention of violating the privileges of that House, and had expressed their contrition for their offence, and prayed for the lenient consideration of the House; on account of the same, the House did not deem it necessary to take any further steps for the punishment of the said offence. He begged, therefore, to move that Resolution; and he would not prolong the discussion further, except to state, that nothing could be a more complete misapprehension of his views than what was stated by the hon. Member for Durham (Mr. Granger) when he observed that he (Lord Howick) and others were disposed to shrink from asserting the privileges of the House. He was disposed to maintain the privileges of the House.

A Resolution similar to that agreed to in the case of Phillips was adopted, and all the parties ordered to be discharged from further attendance on the House.

COLLEGES (IRELAND) BILL.] House in Committee on the Colleges (Ireland) Bill.

On Clause 14,

Mr. *Borthwick* wished that the students should be required to attend divine service in their respective churches and chapels daily; and also that the following clause be inserted after Clause 14:—

"And for the better securing the due attendance of the students in the said Colleges for divine worship, according to the creeds which they severally profess to hold, be it enacted, that it shall be lawful for the president and professors, or other governing body of each of the said Colleges which shall be constituted in and by the said letters patent, to assign chapels within the precincts of each College for the use of chaplains, to be endowed in the same manner and by the same authority as the professors; and that within such chapels prayers shall be said, and divine worship celebrated twice every day, according to the forms required by such religious creeds as shall be recognised by such governing body; and that regulations shall be made for the due attendance of the students on divine worship at such of the said chapels as shall be approved by their parents or guardians respectively."

He should likewise propose the omission of Clause 14. Having given his silent support to the principle of the Bill, he should not now avail himself of this opportunity of reopening that discussion which occupied the House on the second reading; but should state briefly the grounds on which he sought to introduce into the measure what he believed to be no change of principle, but an important provision for carrying into effect the objects Her Majesty's Government had in view. It was admitted on both sides of the House that no education could be sound that was not based on religion. Under whatever circumstances man was found, whether in savage or civilized life, the one motive which especially governed all his actions, and shaped his social and civil existence, was a religious motive. That was a principle in human nature which the Legislature was bound to recognise in bringing forward a measure for the education and improvement of the people. In fact, no legislation could be sound which did not recognise, and endeavour as far as possible to control and guide, the religious principle in man. The great difficulty in the present instance arose from the religious hostility among the professors of rival creeds. If, for example, Dr. Higgins, who had been elevated to the episcopal bench in his Church, the Bishop of Cashel, and Dr. Cooke of Belfast—a man who held a high rank in the Presbyterian Church—were appointed to fill the chairs of the Professors of Theology in the new Colleges, he thought the dogmatic lectures of those men (eminent and talented as he admitted them to be) would be anything but calculated to promote religious charity among the students. The object of the proposition he made was to change the character of the religious instruction altogether—to make it, not didactic, but liturgic—to instruct the students, not by lectures delivered *ex cathedra*, but by means of the liturgy provided by their respective Churches. His object was to

place religious instruction in the Colleges about to be established in Ireland, on a footing similar to that of Oxford and Cambridge. The hon. Member for Liskeard said he received no religious instruction at Oxford, except what he received at chapel; and that there was less religious instruction provided there for the students than at the College at Edinburgh. The hon. Gentleman, in saying so, was dealing with those unknown quantities with which he had become so well acquainted at Trinity. He himself (Mr. Borthwick) had had opportunities of knowing that in the College of Edinburgh the students were asked no questions about religion, unless they were intended for the Church of Scotland; and in that case, they were required to attend the prelections of the Divinity Professor. But at Oxford and Cambridge, if a student attended chapel regularly during three years, he would have had an opportunity of hearing the whole of the Old Testament read three times, and the whole of the New Testament nine times, independently of the selections of the Liturgy. By this means, an entire system of Christian theology, from the first Sunday in Advent till the last Sunday in Trinity, was brought before the minds of the students. He could not conceive a more complete system of religious instruction than that afforded to the students at Oxford and Cambridge. It was told of Mr. Pitt, that while in Pembroke College, he never missed attended chapel morning or evening for a single day. If the provision which he had proposed were adopted, the tenets of the Church of England, and also those of the Roman Catholic Church, could be taught without bringing sectarian points before the minds of the students. As the Presbyterian Church had no liturgy, they might meet for daily prayer. The reason why it was not necessary to teach dogmatic theology to every student in Oxford and Cambridge was, because in the former there were seventeen chapels, and in the latter twenty-four, open twice every day. He saw no necessity for the appointment of professors of dogmatic theology. There was no sectarian mathematics, no Roman Catholic geology, no Protestant anatomy. All that was necessary on the subject of general learning and science might be communicated without interfering with or encouraging the sectarian prejudices of any body. But if professors' chairs of theology were instituted, religious rancour and uncharitable feeling among the students would be the inevitable result. He believed the Bill before the House was calculated to effect the greatest good in Ireland; and that the only impediment to that good would be the 14th Clause as it then stood. He believed the proposition he made, if adopted, would communicate far more religious instruction, while it would be free from the disadvantage of intermixing that instruction with anything of a sectarian or uncharitable nature.

Colonel *Sibthorp* wished it to be understood that in opposing this Bill he was influenced by no uncharitable feeling towards the Roman Catholics of Ireland. He entertained great respect for the talent of the Government, but deeply regretted their inconsistency. Consistency was the strongest and greatest virtue of a Government. But the present Government had exhibited a subservient expediency, and a strong desire to go to the opposite side. He regretted to see such Bills as this and the Maynooth Bill emanating from parties professing the Protestant religion. He could not place much reliance on the professions of men who acted so inconsistently; for he judged of men by their conduct and not by their professions. There were times when he could not believe that the right hon. the First Lord of the Treasury and the right hon. the Secretrary of State for the Home Department could be capable of bringing forward such measures; but now those Gentlemen were playing the cards in a manner that no one had expected. He had opposed this Bill at its introduction; he should oppose it at the bringing up of the Report, and also at the third reading, and no modification of it would reconcile him to it. He regretted very much that the Government were acting with two faces under a hood, and not in the manner which they had led the country to believe they would act.

Sir *J. Graham* regretted that the course which he and his Colleagues thought it their duty to pursue, did not meet with the approbation of the hon. and gallant Gentleman. The Bill, however, was one of great importance, and not brought forward without a strong sense of its necessity. He thanked the hon. Gentleman for curtailing the observations he had intended to make, and for abstaining from a discussion of the general principles of the mea-

sure, though at the same time he (Sir J. Graham) must say the speech of the hon. Member was somewhat discursive. The hon. Gentleman must see that he was raising a question quite distinct from that contained in the clause before the House. The question of catechetical or liturgical instruction was provided for in other clauses of the Bill. With respect to religious worship in the boarding-houses to be licensed under this Bill, his hon. Friend the Member for the West Riding of York (Mr. S. Wortley) had given notice of an Amendment, namely, an addition to this clause with respect to the religious instruction to be given in those halls, and to that Amendment it was not his intention to offer the least obstruction. With respect to the halls, he had no objection to the employment of religious instruction. With respect to the third case, namely, the case of students living with their parents or guardians, he thought that in such a case as that the parents and guardians ought to be the best judges of what was necessary for the religious instruction of the students under their care and control. Neither would he consent to omit the words which his hon. Friend proposed to omit. His hon. Friend proposed that without the consent of the Crown the governing body of each of those Colleges should be competent to make regulations for the religious instruction of the students and pupils within the College itself. Now, the words used in this clause were—

"And that religious teachers recognised by the governing body, may, with the consent of the governing body, and the consent of the Crown having been previously obtained, have the use of such rooms, &c."

The question had already been raised that in those Colleges chaplains should be appointed. The sense of the Committee had decided against that proposition, and, *à fortiori*, he must suppose that the sense of the Committee would be adverse to the establishment of chapels in these Colleges, As he understood the proposition of his noble Friend, it was, that chaplains should be appointed, and that chapels should be built within the walls of those Colleges; and that the attendance of the students should be compulsorily enforced in those places of religious teaching and worship. Now, it seemed to him (Sir J. Graham) that any such forced attendance, whether of pupils under the control of their parents and guardians, or of pupils emancipated from parental control—it seemed to him that to make the attendance of those pupils forced and compulsory, would be a great stretch of authority. His hon. Friend had said, that the great basis of all knowledge should be religous instruction. From that proposition he (Sir J. Graham) was not disposed to dissent. But they must see that the case of Ireland was a very peculiar case, and it was necessary to consider the present measure strictly applicable to the peculiar circumstances of Ireland. Now, for instance, if they were to attempt to enforce any system of religious instruction according, for instance, exclusively with the tenets of the Protestant religion, the effect of such a measure would be practically to exclude seven-eighths of the population of Ireland. Effects equally objectionable would follow if they were to set up exclusively the tenets of any particular sect. If they were to confound religious with secular instruction, they must adopt some plan in which all might participate; and if they were to adopt a plan in which all might participate, they must exclude all points of religious difference. There remained then only one course open, and that was now under discussion, namely, that religious instruction should be provided for in the manner in which it was provided for in this Bill. He would not consent to this Amendment, which he considered to be at variance with the principle of the Bill.

Mr. *Wyse* had no doubt that, with the marked zeal which the Catholic hierarchy and clergy had in the worst of times provided for the spiritual wants of their flocks—a zeal which he could not so far wrong them as to suppose for an instant could be abated—they would be eager to make immediate provision, with the generous co-operation of the laity, which could not be better given than in such a cause, not only for chaplains in their respective halls, but for those professorships of religion in that ample sense to which he had just referred, embracing not doctrine only, and its important scriptural and traditional evidences, but its history and historic influences upon every age and generation. He believed, that at no period were the Catholic clergy more animated by the deep and sacred convictions of the necessity of religious instruction and teaching. It was, he knew, the fashion in other places, he was sorry to add at times also in that House, to represent the Catholic hierarchy

as adverse to the religious teaching of their flocks, and affected by a dread of the results of a free circulation of the holy word of God amongst the people. He was glad to have an opportunity afforded him, here in face of other religious communions, and in the midst of the Commons of England, on unequivocal authority, to repudiate the calumny. He held in his hands a passage purporting to be an extract from a speech stated to have been made by the Protestant Bishop of Cashel and Waterford, at the Sixth Annual Meeting of the Church Education Society, March 27, 1845. He quoted from the *Dublin Evening Post* of the same date. At that meeting, which was numerously attended, he is reported to have said—

"That they were assembled, not alone upon a subject of pounds, shillings, and pence, but upon one of principle—upon the principle upon which the Church was based at the time of the Reformation, when they separated from the Romish Church — the principle of giving to all classes a free access to the word of God, which their Society would diffuse, and which it was necessary to the existence of the Church of Rome to suppress."

Now, to this assertion—he would characterize it by no harsher term—of the right rev. Prelate, he could only oppose facts —facts vouched for by an authority at least not inferior to his own for veracity or any other Christian quality, he referred to the venerated Dr. Denvir. That most respectable prelate stated that previously to 1839, Mr. Smyth published 11,000 copies, Messrs. Simmons and M'Intyre, 18,000, Mr. Mairs, 9,000, and Mr. Archer, 2,000. From that period, Simmons and M'Intyre have published 22,000 copies, Mr. Archer 3,000 Testaments and 600 Bibles, in all, 72,600 copies of the Catholic Scriptures in one town, at the lowest price; giving no evidence, certainly, of a desire on the part of the venerable prelate, under whose authority they appeared, of the desire mentioned by the Bishop of Cashel to suppress the Holy Scriptures. But was this all? He had another document still more striking to refer to. In the number of the *Nation*, Feb. 8, 1845, the Bishop of Cashel, if he ever referred to such paper, would find the following advertisement :—

"The cheapest Catholic Bible of the size ever published. Richard Coyne, 4, Capel-street, has published in twelve parts, at 6*d.* each, a stereotype edition of the Holy Bible, octavo, containing 1,226 pages of letter press, double columns. Each part contains ninety-six pages."

And to this is subjoined the following recommendation, signed so early as 1829 by twenty-four Catholic bishops, headed by the Most Rev. Dr. Murray :—

"This new edition of the English Version of the Bible, printed, with our permission, by Richard Coyne, 4, Capel-street, collated by our direction, with the Clementine Vulgate; likewise, with the Douay Version of the Old Testament of 1609, and with the Rhemish Version of the New Testament of 1582, and with the other approved English Versions, we, by our authority, approve. And we declare that the same may be used with great spiritual profit by the faithful; provided it be read with the due reverence and the proper dispositions. —Given at Dublin, 2nd September, 1829."

Nor was this an idle letter; the Rev. Theobald Mathew, a name not to be mentioned in any assembly of Christians without gratitude and respect, was not less zealous for the dissemination of the sacred volume than the prelates themselves. He would take the liberty to read to the House the short Address which he directed to the Temperance Societies :—

"My dear Friends—As the united Catholic bishops of Ireland have especially recommended the faithful under their jurisdiction, 'to read with due reverence and proper dispositions the Holy Bible published by R. Coyne,' and as he now proposes to issue the Divine Volume under the same authority, in twelve parts, at 6*d.* each, so as to suit the means and circumstances of all classes—in order to assist in carrying into practical effect the recommendation of the venerable prelates, I humbly, but most earnestly, entreat all the members of the various Total Abstinence Societies, who, I trust, by being members of societies which have produced order, peace, and tranquillity, are prepared to read the Holy Scriptures with 'due reverence and proper dispositions.'"

It will be remarked in this, that the condition is, 'with due reverence and proper dispositions,' and from a version authorized by the Catholic Church, and with the commentaries consonant to her belief and interpretation. If the Catholic objects to a copy of the Scriptures, or rather to its being forced upon him, it is not on the ground (far from it) of its being the Scriptures, but of its being a version which he does not consider authentic, and its being unaccompanied with, in his belief, accurate and faithful interpretation.

Viscount *Bernard* said, that it was notorious that the Roman Catholic clergy, in

their chapels, denounced the reading of the Sacred Scriptures. Would any hon. Member deny that? Would the hon. Member for Kerry deny that in the western part of the county of Kerry, where a great number of converts had been made by the reading of the Scriptures, those converts could not publicly appear in those districts where they resided without meeting offence? It was useless to deny that the Roman Catholic clergy were opposed to the use of the Scriptures by those whom they guided.

Mr. *Redington* denied that the Roman clergy were opposed to the use of the Scriptures. With respect to the present clause, although it was not framed altogether in the way in which he wished, yet he would oppose the Amendment, and give his support to the clause.

Mr. *Wyse* must again assert that the Roman Catholic clergy took pains in circulating the Scriptures. In proof of this, he need only refer to the advertisement, which he had just read to the House, from R. Coyne, a Roman Catholic bookseller, advertising "the cheapest Bible ever published," the circulation of which was recommended by several Roman Catholic bishops.

Mr. *Borthwick* replied: He had endeavoured, on opening this subject, to confine himself as closely as possible to the subject of debate. He regretted to perceive that that House seemed unfitted to the discussion of a religious question—not that a religious question was unfitted for the House, but the House seemed unfitted to the discussion of a religious question. His single object was to substitute liturgical for didactical instruction. Now let them suppose the case of Bishop Daly, of Dr. Higgins, and Dr. Cooke, three clergymen of strong opinions, inculcating those opinions each upon the pupils of his own creed. He could conceive nothing more calculated to lead to religious dissension amongst the students at those Colleges. He regretted deeply that the right hon. Gentleman had determined to oppose his Amendment. However, as he saw no chance of carrying it, against the right hon. Gentleman's opposition, he considered it would be only a waste of time to put the Committee to the trouble of dividing. The hon. Gentleman stated that he withdrew his Amendment.

Amendment withdrawn.

Sir *T. Acland* moved after the words "or to hold office therein," the insertion of the words "except as hereinafter provided;" and he moved that addition for the purpose of introducing a clause to the following effect:—

"Provided always that any person appointed to be president, vice-president, or member of the governing body of each of such Colleges, shall, before he enter upon the duties of any of the said offices, make and subscribe the following declaration:—'I, A. B., do solemnly and sincerely declare that I acknowledge and receive the Holy Scriptures of the Old and New Testament as containing the revealed will of Almighty God.'"

He had paid the deepest attention to this Bill, and had given it throughout a zealous, but he must confess at first a reluctant support. He had followed his right hon. Friend in the difficulties which encompassed him on this subject. They all felt that Christianity should be the basis of any measure on the subject of education; but then came the question of sect and religious difference. He had at first hoped, that religious education might have been provided for each of the three great sects in Ireland; but every day since he had more and more felt the impossibility of doing this. He made these statements to show that he felt the difficulties of this subject, and had no unfriendly feeling towards the present Bill. He made these statements also, because they made out his case. He wished to procure such securities as might be provided for the proper performance of their duties on the part of those in whose hands they were about to leave the education of Irish youth. His right hon. Friend had said that any attempt on the part of a professor to sap the religion of any student would be succeeded by instant dismissal. But the Parliament should not leave such a matter in the hands of the Government. The Legislature, on the face of the Bill, should declare their object and intention. For this purpose he had determined to propose some test or declaration to be made by the professors and governing body of the College. If any better mode of meeting the difficulty could be suggested, he should be most happy to adopt it in the place of his own; but in the absence of any such suggestion, he begged to press his own proposal upon the attention of the House. His inclination would have been to have applied the test or declaration contained in his clause to all the professors of the Colleges, though doubtless it was more

important with regard to some than others; but wishing to imitate the liberal and generous spirit which had been manifested towards the Government by the other side of the House, he was willing to leave that question to the decision of the governing body, placing confidence in them and the Government by whom they would be appointed. In preparing the declaration which he intended to propose, his object was to place a bar against infidelity; but at the same time not to introduce a word which could give the least pain to any class of persons believing in Divine Revelation. In support of the form of declaration which he proposed he might quote from the third volume of the *Reminiscences of Dr. Arnold*, a passage, in which Dr. Arnold, speaking of most different religious sects, said, "We all believe that the books of the Old and New Testament contain God's revealed will to man." He was willing to take his full share of the responsibility of this measure as it stood; but he felt that it wanted this conclusion, in order to secure it against abuse, and in order to render that homage to the religious feelings of both countries, of the value of which he was sure they were not insensible. The hon. Baronet concluded by moving, after the words "or to hold office therein," to add "except as hereinafter provided."

Sir *J. Graham* said, that he rose to address the House with great pain; but he could assure his hon. Friend that the Government were quite sensible that he was actuated by no unkindness to them; but that, on the contrary, they felt bound to acknowledge the support which he had given them on that Bill—a support which, for many reasons, it must have been painful for him to give. His affectionate regard for his hon. Friend personally, and his respect for his principles, rendered it painful to him to resist his proposition; and if he were not convinced that he could not, consistently with the principle of the Bill, assent to it, nothing would have induced him to offer the opposition which he was compelled to give to the Motion. No man more deeply regretted the discussion of such subjects in that House; but it had been his unfortunate lot, in proposing measures for the last few years, to have given more frequent rise to discussions of that nature than perhaps any other man. He was most anxious to treat the subject with the utmost reverence and respect. His own temper and feelings inclined him to do so. His hon. Friend had said that it was only in the absence of all general security for religious teaching that he had felt himself driven to propose the particular test contained in his clause; but he (Sir J. Graham) must say that he agreed with the hon. Member for Dundalk, that the safety of this measure rested on the weight of public opinion, and of responsibility brought to bear upon the present and all future Administrations; and he certainly could not have sanctioned the absence of all religious test as to the principals and professors of these Colleges, if the nomination of them and a power of removal also had not been vested in the Crown. He considered that security infinitely preferable to the one now proposed. He admitted the weight of Dr. Arnold's authority; but he was bound to point out to the Committee that the words of the proposed test would be no sufficient security against the evil which they were intended to provide against. The professor would at once, when required to make this declaration, put the question, "To what version of the Scriptures do you allude?" Were Protestants all agreed upon one version? Had not Unitarians an entirely different version from that of the Established Church? Would not the Unitarian take the test in a different sense from the members of the Established Church? And as to the books of the Old Testament, were there not very material differences between the Protestant and Roman Catholic versions? He was grieved to enter into such a discussion; but it was forced upon him. He could point out other reasons why the proposed test was insufficient for its object, but he abstained from pursuing a subject of that kind. He thought he had shown that the words—open on other grounds to great objections—would give no security for the promotion of sound religious instruction; whilst, on the other hand, the Bill provided ample security against any attempts to sap the religious principles of the students. So far from discouraging religious education, they had supplied every inducement to provide religious instruction out of the walls of the College, and within the walls they had afforded facilities for giving such instruction. It was not from any doubt in his mind, therefore, that religion was the basis of all human knowledge, that he opposed the Motion; he believed that re-

ligious knowledge was that which purified the leaven of secular knowledge, and if this Bill should discourage religious instruction, he should greatly regret it; but he did not believe that any such result would follow. He believed the Roman Catholics could, by private endowment, secure religious teaching; and that lectures would be delivered in the Colleges in conformity with the leading creeds of that country, the Roman Catholic, the Presbyterian, and the Established Church. No test was required; but the responsibility of the Government in the selection of the officers of these Colleges was, after all, the best security against any abuse; and, therefore, reluctantly, but decidedly, he must oppose the Motion.

Sir *R. Inglis* was surprised that, with the sentiments which had been so well expressed by the right hon. Baronet, he did not come to the same conclusion with his hon. Friend (Sir T. Acland). He was happy to find before the House a proposition which he could support, as he did that of his hon. Friend, involving at least some improvement in the present measure.

Mr. *Cowper* rejoiced in having an opportunity of supporting the Amendment of the hon. Baronet, as it comprehended a principle in which he thought that all who deserved the name of Christians might agree.

Lord *J. Manners* said, that the closing observations of the right hon. Baronet brought him to a different conclusion from that at which the right hon. Baronet had arrived. In referring to the responsibility of the Ministers of the Crown upon this subject, he must add, without wishing to say anything which might cast suspicion upon the present, or upon any Government, that he could not help reflecting upon what was taking place in France upon questions of this sort, where a system of education which was upheld by the whole weight of a Government, of which M. Guizot was a leading member, was stigmatized as an infidel system. From the best investigation which he had been able to give to this question, and the statements which had been made upon it, he must say, that when they were about to introduce a similar system in this country, it behoved them to weigh with the greatest care every proposition which was brought forward of so dangerous a tendency. With reference to the proposition of the hon. Baronet (Sir T. Acland), he was willing to accept it, though it might not go to the extent of doing more than partially mitigating the evils of this system. Having listened to the discussions which had taken place on other clauses of this Bill, too, he could not change the opinion he had hitherto entertained upon it, viz., that it was not a Bill which ought to meet with the support of that House. That opinion he entertained religiously; and, in repeating his objections to it for the last time, he must add, that he did not believe this Bill would produce any good effect; and his only hope was, that it would produce no effect whatever.

Sir *R. Peel* said, that the proposition of the hon. Baronet was simply a precaution against infidelity. But was infidelity an evil in Ireland, against which it was necessary for them to legislate? He did not believe there was a country in the world in which the charge of infidelity would expose a man to such reprobation as in Ireland. But take the case of England. Was infidelity an evil in England at the present day? He did not believe that in England, or in Ireland, infidelity was an evil against which it was necessary that Parliament should legislate. There could not be a doubt that the Crown would grossly neglect its duty in first appointing any person to an office in these Colleges against whom the charge of propagating infidel doctrines could be brought, or, if appointed, in continuing him in his office. It appeared to him, then, that the security it was proposed to give under this Amendment, was a perfectly delusive one, and that the state of religion in these kingdoms was such as to render it unnecessary to take such ground against this measure as that proposed.

Mr. *Philip Howard* opposed the Motion of the hon. Baronet (Sir T. Acland); as a Catholic, he feared, if adopted, it might lead to the inference, that tradition was not a necessary part of the groundwork of faith. It would also be better in a new measure not to revive the system of tests, where no imperative and cogent necessity required it. It would be well to reserve the power of naming a Jew to the chair of Hebrew, in the same manner as it would be natural to appoint a German, or a Frenchman, to the Professorships of their respective languages. If inclined to criticise the terms of the proposed test, he should say, it would be more correct

to affirm the Scriptures to be the word than the "will of Almighty God;" as the will "could be only known by the interpretation given to Holy Writ." Upon the whole, he (Mr. Howard) deemed it unadvisable to insist on the adoption of this or any other test; for, with all respect to the motives of the Mover, and, above all, with all reverence to the written word of God, he did not think the cause of religion would be a gainer by its adoption.

Mr. *Adderley* said, that if the Colleges to be established were to be confined to the teaching of the natural sciences, the religious tests would be unnecessary; but as they would trench on this field of moral duty, the case became altered. He had voted for the Maynooth Bill because it recognised the duty of the State to provide for the religious instruction of the majority of the people; and he should vote for the Amendment, because the Government proposition was a retreat from that principle.

Lord *C. Hamilton* did not think there was any country in which there was so much religion and so little infidelity as in Ireland.

Mr. *Gladstone* said, that the high character of the hon. Baronet who had proposed this Amendment, and of those Gentlemen who supported it, was such as to render it incumbent upon those who entertained objections to his proposition, and who yet had a sincere regard for religion, to say something in support of their reasons for disagreeing with it. He must say, then, that he thought there was much force in the objections which had been advanced by the right hon. Baronet (Sir J. Graham) as to the ambiguity of this test. His hon. Friend must be aware that between Protestants of different sects, and certainly between the Church and the Unitarians, there were many differences with respect to the original version of many portions of the Holy Scriptures. Now, as to matters of general principle, he must say, that it was undesirable for parties engaged in the selection of a test to choose words which they not merely suspected, but which they knew must be used by different classes of persons in a different sense. It was difficult to secure perfect *bona fides* as to tests; such had been hitherto the case; and what hope was there of maintaining a defined and single interpretation of such tests in future times? He was not fond of adopting new theological propositions, and he could not consent to adopt a solemn proposition like this without seriously looking to the terms in which it was couched. The Motion of his hon. Friend called upon them to adopt a pre-enunciation of a positive theological principle, couched in language partly resting upon the authority of a Member of Parliament, and partly on that of Dr. Arnold. The proposition was a new proposition—it was not one adopted in turns by the Church of England; and he was afraid that if the House were to adopt it, his hon. Friend would find a difficulty in regard to it, on the part of the Roman Catholics of Ireland themselves. He considered that it was at once open to the charge of being too exclusive, and too lax. His right hon. Friend (Sir R. Peel) had adverted to the case of a large class of theologians in Germany connected with what was called the rationalizing school. He (Mr. Gladstone) did not think any member of that school would feel any greater objection to the terms of the hon. Baronet's (Sir T. D. Acland's) proposition than might be felt by some members of our own church. Indeed, he did not know whether even Dr. Strauss himself, who had acquired an unhappy notoriety in connexion with the school to which he referred, might not be prepared to subscribe the test proposed by his hon. Friend. He held that in certain cases the objections to such a test were entirely outweighed by the advantages which might attend it, and the necessity which rendered it advisable. But he did not entertain that opinion in the present case, for he did not think any advantage could accrue from the application of such a test; but that, on the contrary, great evil might result from holding out a delusive promise which could not be realized. He considered, therefore, that the Amendment of his hon. Friend, far from being an improvement on the Bill, would be entirely the reverse. Believing, then, that this was an ambiguous and equivocal proposition—that it could attain none of the purposes for which such a test ought to be employed, while it was open to strong objections, and that it was a positive evil to make a provision for attaining a religious character by means which they knew to be insufficient, he hoped the Committee would not adopt the Amendment.

Mr. *Redington* was satisfied the hon. Baronet, in bringing forward this Amendment, did not wish to throw any aspersion upon the religious creed of Catholics; but that he was merely introducing what he considered an essential safeguard in a measure of this nature. He must say, however, that if this Amendment went to a division, he would feel it his duty to vote against it; for the introduction of such a test as that proposed by the hon. Gentleman would excite great dissatisfaction among the Roman Catholics of Ireland.

The Committee divided on the Question that the words be inserted—Ayes 36; Noes 105: Majority 69.

List of the AYES.

Adderley, C. B.
Austen, Col.
Baring, rt. hon. F. T.
Barrington, Visct.
Bernard, Visct.
Buck, L. W.
Carew, W. H. P.
Courtenay, Lord
Cowper, hon. W. F.
Dick, Q.
Dickinson, F. H.
East, J. B.
Farnham, E. B.
Gladstone, Capt.
Greenhall, P.
Hamilton, G. A.
Henley, J. W.
Hope, A.
Jervis, J.
Lambton, H.
Manners, Lord J.
Mordaunt, Sir J.
Morris, D.
Patten, J. W.
Pringle, A.
Rashleigh, W.
Repton, G. W. J.
Rice, E. R.
Shaw, rt. hon. F.
Sibthorp, Col.
Sotheron, T. H. S.
Spooner, R.
Tower, C.
Tufnell, H.
Vesey, hon. T.
Waddington, H. S.

TELLERS.
Inglis, Sir R. H.
Acland, Sir T. D.

List of the NOES.

A'Court, Capt.
Aldam, W.
Antrobus, E.
Archbold, R.
Baillie, Col.
Baillie, H. J.
Baring, rt. hon. W. B.
Bellew, R. M.
Blackburne, J. I.
Blake, M. J.
Boldero, H. G.
Borthwick, P.
Bowes, J.
Bowles, Adm.
Boyd, J.
Bright, J.
Broadwood, H.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Bunbury, T.
Burrell, Sir C. M.
Butler, P. S.
Cardwell, E.
Chapman, B.
Chelsea, Visct.
Clements, Visct.
Clerk, rt. hon. Sir G.
Cockburn, rt. hn. Sir G.
Corry, right hon. H.
Craig, W. G.
Cripps, W.
Denison, E. B.
Duncan, Visct.
Duncombe, hon. A.
Dundas, D.
Emlyn, Visct.
Escott, B.
Esmonde, Sir T.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Flower, Sir J.
Forster, M.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granger, T. C.
Grimston, Visct.
Halford, Sir H.
Hamilton, W. J.
Hamilton, Lord C.
Herbert, rt. hon. S.
Hindley, C.
Holmes, hon. W. A'C.
Hope, Sir J.
Hope, G. W.
Hotham, Lord
Howard, P. H.
Hughes, W. B.
Jermyn, Earl
Lawson, A.
Lincoln, Earl of
Lockhart, W.
M'Neill, D.
Manners, Lord C. S.
Martin, C. W.
Meynell, Capt.
Mitchell, T. A.
Neville, R.
Newport, Visct.
Nicholl, rt. hon. J.
Packe, C. W.
Peel, rt. hn. Sir R.
Peel, J.
Plumridge, Capt.
Polhill, F.
Praed, W. T.
Pusey, P.
Redington, T. N.
Ross, D. R.
Russell, J. D. W.
Seymour, Sir H. B.
Smith, A. J.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thornhill, G.
Trelawny, J. S.
Tuite, H. M.
Wakley, T.
Warburton, H.
Wawn, J. T.
Wellesley, Lord C.
Wortley, hon. J. S.
Wyse, T.

TELLERS.
Young, J.
Mackenzie, W. F.

On the Question that the clause stand part of the Bill,

Mr. *Hindley* contended it involved a violation of liberty of conscience, for it precluded students from resorting for instruction to tutors of their own religious creed, while it compelled them to receive the tuition of professors appointed by the Government. He had, therefore, to move that the clause be omitted.

The Committee divided on the Original Question:—Ayes 100; Noes 0: Majority 100.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Aldam, W.
Archbold, R.
Austen, Col.
Baillie, Col.
Baring, rt. hn. F. T.
Baring, rt. hn. W. B.
Barrington, Visct.
Bellew, R. M.
Blackburne, J. I.
Blake, M. J.
Borthwick, P.
Bowes, J.
Bowles, Adm.
Boyd, J.
Broadwood, H.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Bunbury, T.
Butler, P. S.
Cardwell, E.
Chapman, B.
Clerk, rt. hn. Sir G.
Cockburn, rt. hn. Sir G.
Corry, rt. hon. H.
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Dickinson, F. H.
Dundas, D.
Escott, B.
Esmonde, Sir T.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Flower, Sir J.
Forster, M.
Fremantle, rt. hn. Sir T.

Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granger, T. C.
Halford, Sir H.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Herbert, rt. hon. S.
Holmes, hon. W. A'C.
Hope, A.
Hope, G. W.
Howard, P. H.
Jermyn, Earl
Jervis, J.
Lambton, H.
Lawson, A.
Lincoln, Earl of
Lockhart, W.
McNeill, D.
Manners, Lord C. S.
Martin, C. W.
Meynell, Capt.
Mitchell, T. A.
Morris, D.
Neville, R.
Nicholl, rt. hon. J.
O'Connell, M. J.
Packe, C. W.
Peel, rt. hon. Sir R.
Peel, J.
Pringle, A.
Rashleigh, W.
Rawdon, Col.
Redington, T. N.
Repton, G. W. J.
Ross, D. R.
Scott, hon. F.
Shaw, rt. hon. F.
Smith, J. A.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, H.
Sutton, hon. H. M.
Thornhill, G.
Trelawny, J. S.
Tufnell, H.
Vesey, hon. T.
Waddington, H. S.
Wakley, T.
Warburton, H.
Wawn, J. T.
Wellesley, Lord C.
Wortley, hon. J. S.
Wyse, T.

TELLERS.
Young, J.
Mackenzie, W. F.

List of the NOES.

TELLERS.
Bright, J.
Hindley, C.

Clause agreed to, as was Clause 15.

On Clause 16,

Mr. *John S. Wortley* moved the Amendment of which he had given notice, with a view to connect the Colleges with religious instruction as much as possible—

"To insert after the words, 'lodged and boarded therein,' the words, 'and also the provisions and regulations proposed to be made for securing to the said student the means of due attendance upon such religious instruction and divine worship as may be approved by his parents and guardians, and recognised by the governing body of the College.'"

Amendment agreed to.

Clause agreed to.

On the 19th Clause,

Mr. *Spooner* objected to the clause as giving an endowment to any teacher of whatever form of belief he might be. It was not even restricted to the endowment of Christian ministers. Such a conflict of religions would tend to infidelity among the pupils.

Mr. *Philip Howard* contended that no great evil could arise from the retention of the 14th Clause, which gave a power to the different religious communities, by private contribution, to endow chairs of theology. It was a well known truth that, in other affairs of life, opposition prevented imposition. In the case, then, before the House, the rivalry of different creeds would give an impulse to talent, and prove an incentive to exertion; the religious zeal of individuals should be allowed to supply what was unavoidably wanting in the Government measure. Should an appeal be made to the Catholics of England, he (Mr. Howard) doubted not that he would come forward in aid of his Irish co-religionists, and would strive to procure for the youth of Ireland the blessings of a religious education in the faith of their forefathers. Some years must necessarily elapse before the Colleges in question could be built and opened; ample time would, therefore, be given to organize a subscription in furtherance of the great object they had in view, so dear to that House and the country — namely, the combining religious tuition with literature and scientific attainments.

Mr. *Hindley* opposed the clause, as contrary to the spirit of the Mortmain Acts in this country.

Clause agreed to, as were the remaining clauses of the Bill.

House resumed. Report to be received.

EXCISE AND CUSTOMS.] House in Committee on the Excise and Customs Act.

The *Chancellor of the Exchequer* said, he wished to move certain Resolutions to be embodied in the Bill. The object of the first was to place grocers who were dealers in spirits in Ireland under the same supervision of the police authorities as other dealers were subject to. The other Resolution had reference to the importation of spirits from Guernsey and Jersey into this country. At the present time those islands enjoyed advantages which were not allowed to any other part of the United Kingdom. The introduction of compound spirits from Scotland and Ireland was prohibited, and that prohibition ought to be extended to Jersey and Guernsey. He, therefore, proposed, that a duty of 9*s.* a gallon should be put upon spirits imported into England from those islands, and a proportionate amount on spirits imported into Scotland and Ireland,

with a prohibition altogether of compound spirits.

Resolutions agreed to. House resumed, and adjourned at a quarter before 2 o'clock.

HOUSE OF LORDS,

Tuesday, July 8, 1845.

MINUTES.] BILLS. *Public.*—2ª. Seal Office Abolition; Statute Labour (Scotland); Documentary Evidence.

Reported. — Arrestment of Wages (Scotland); Jurors (Ireland); Brazil Slave Trade; Drainage by Tenants for Life; Timber Ships; Assessed Taxes Composition.

3ª. and passed:—Games and Wagers.

Private.—1ª. Marsh's (or Coxhead's) Estate.

2ª. Wakefield, Pontefract, and Goole Railway; Edinburgh and Northern Railway; Wear Valley Railway.

Reported.—North Wales Mineral Railway; Keyingham Drainage; Cork and Bandon Railway; Great Western Railway (Ireland) (Dublin to Mullingar and Athlone); Great North of England, Clarence and Hartlepool Junction Railway; Forth and Clyde Navigation and Union Canal Junction; Cockermouth and Workington Railway; Lynn and Dereham Railway; Liverpool and Manchester Railway; Richmond (Surrey) Railway.

3ª. and passed:—Shepley Lane Head and Barnsley Road.

PETITIONS PRESENTED. By Earl of Clancarty, from Guardians of Ballinasloe Union, for Inquiry into the Powers and Conduct of Poor Law Commissioners, and also for the Adoption of a Measure for the Better Relief of the Sick Poor (Ireland); and from Guardians of Balrothery Union, for Inquiry into the Operation of the Poor Law Act (Ireland).

THE ADVOCATE GENERAL OF BENGAL.] Lord *Brougham* wished to know whether the office of Advocate General of Bengal, an office which he held to be of the greatest possible importance amongst the Colonial appointments of this Empire, and second only to the office of the Governor General of India himself, had been yet filled up?

The Earl of *Ripon* could not say certainly whether it had been yet filled up, but he believed it had. There was no doubt of the high importance of the office alluded to, but it was not very easy to induce persons properly qualified for it to accept it.

Lord *Brougham* condemned the last appointment, which, he said, was clearly owing to the connexion between the party and the Board of Directors.

The Earl of *Ellenborough* said, the office was one of great importance, and the emoluments were very considerable. The salary attached to it was 5,000*l.*; and if the individual appointed to it was a competent person, and of experience in his profession, he might make, in addition to that salary, about 6,000*l.* a year more by private practice. With such prospects to hold out, he really thought, if due diligence and discretion were exercised in the selection of a person to fill the office, fit and competent persons might be found. He fully agreed with his noble and learned Friend opposite (Lord Brougham) as to the importance of the office of Advocate General of Bengal, as the Governor General of India had no other legal authority whatever to refer to for advice in matters relating to questions of international law, or the interpretation of Treaties. Interests of the greatest importance might depend upon the proper exercise of the office; and the efficient discharge of its functions, too, in courts of justice was most essential. As to the appointment to which allusion had been made, he agreed in the condemnation passed upon it. The juries at Calcutta were willing enough to find verdicts against the Government, and it required the best advocate to conduct a case before them. Not only was this gentleman not the best advocate, but he was perhaps the very worst in the court; and, for his own part, he (the Earl of Ellenborough) had never heard any reason alleged for his appointment, but that he was the son of the chairman of the Board of Directors. Now, he would ask, what would be the opinion of the people of this country, if a Prime Minister thought fit to appoint his son to be Attorney General, merely because he happened to be a lawyer, and was, from standing or practice, in no other way qualified for the office? Would not the Administration of such a Minister be put an end to within twenty-four hours, by the public scorn and indignation which such an appointment would excite? And yet it really was of less importance that the Attorney General should be chosen for his eligibility for his office, than that the Advocate General of India should be a person really and truly qualified for that most important office. He had, however, on the present occasion only to express a wish that on this matter in future all former precedents, but not the last one, would be followed, and persons so well qualified as Sir Laurence Peel and Mr. Serjeant Spankie selected for the office. In making the appointment, above all things, care should be taken to have the party selected in no manner whatsoever mixed up with local interests, otherwise the result must necessarily be that every advice which he gave the Governor General would be looked upon with mistrust and suspicion.

Lord *Campbell* knew of no office under the Crown which had been filled by persons of greater competence; whether there was an exception in the last case he did not

know. He was astounded, however, to hear that the office was going begging in Westminster Hall; for he had always considered it a prize for a young lawyer of great eminence; and he had no doubt that men of the highest honour—the brightest ornaments, without local connexion, would accept it.

The Earl of *Ripon* begged to correct an error into which the noble Earl had fallen with respect to the salary attached to the office—it was only 3,500*l.* a year, though the emoluments from private practice might make it reach 10,000*l.* Certain it was that this office had, upon this occasion, been offered to eight or ten individuals of very distinguished talents, with respect to whose competency every means had been taken to ascertain the truth, and that it had been declined by them one after another, as not being consistent with their professional views.

Lord *Brougham* said, nothing was so easy as to make the offer to those by whom it was certain to be refused, that under the cover of these refusals an incompetent, though a worthy and well-meaning man, might be appointed.

Lord *Denman* said, the office had been very properly offered to many gentlemen of ability, whose situation at the Bar of this country could not make it a safe speculation that they would be sure to refuse this appointment; they were gentlemen of moderate business, though of high expectations, and of great talents and learning. With regard to the last person who had held the office, he had the slightest possible acquaintance with him, and had no evidence to bear of his position at the Bar; but many persons who well knew him had formed the highest opinion of his ability: they would hear with pain the observations now made, and their opinion was, that he was overcoming his difficulties, and was getting into a position in which, by his application and his industry, he would in time have removed the objections to him. He had heard this from several individuals for whose opinion he entertained a high respect.

The Earl of *Ellenborough* would very willingly do justice to the good intentions of that gentleman, but he did not enjoy the public confidence; and the strongest evidence was, that he had no private business whatever.

Subject dropped.

MEDICAL CHARITIES IN IRELAND.] The Earl of *Clancarty* said: My Lords, I beg to present to your Lordships, from the Board of Guardians of the Poor Law Union of Ballinasloe, a petition of which I lately gave notice, upon the subject of Medical Charities in Ireland. The petitioners pray for the speedy establishment of a sound system of relief for the sick poor of Ireland. The subject is one of great and urgent importance, and in reference to which it has been admitted by Parliament and by the Government that the laws require great alteration and amendment. If, my Lords, an improved and enlarged system of medical charities would involve (which I do not think it would, at least to any sensible extent) an increased taxation, it is those who now approach your Lordships as petitioners that will have to pay the tax; nor are they singular as poor law guardians in their desire to see the medical charities of the country placed upon a proper and efficient footing. I hold in my hand a copy of an address of the Ballina board of guardians, unanimously agreed to at a meeting with twenty-six guardians present, praying the attention of the Lord Lieutenant of Ireland to that important subject. Those whose petition I have now the honour of presenting to your Lordships, did also address the Irish Government in the first instance: I regret to say, however, without any effect—that no prospect whatever was held out that Her Majesty's Government would take any steps whatever in the matter. It is, therefore, that they now approach your Lordships; and I cannot do better than read to your Lordships a portion of their petition, as placing the subject clearly and in a few words before you:—

"Petitioners represent that the present system of medical charities is most unsatisfactory, and inadequate to the wants of the country, and oppressive to a numerous portion of the ratepayers, who can derive no advantage whatever from the medical institutions for which they are taxed. That, under the existing law, a want of due economy prevails, and many and great abuses are practised, as must necessarily be the case in the absence of uniformity of system and of efficient inspection. That the present county infirmaries, though most useful in their several vicinities, are, from their inadequacy in point of number, necessarily too far apart to be of any benefit to the great majority of the population, who are equally taxed for their support. That the same objection applies to the fever hospitals. That the law only authorizing the establishment of dispensaries, where private subscriptions can be obtained, it follows that the poorer

the district, and, consequently, the more needy the population, the more unattainable is medical aid, although such district is taxed in common with all others for the support of medical charities. That Her Majesty's Government, to whom, in the opinion of your petitioners, it properly belongs to bring subjects of this nature before Parliament, did, above two years ago, fully recognise the inadequacy of the existing law, by introducing into the House of Commons a Bill for putting the whole system of medical charities upon an entirely new footing; but, nevertheless, now refuses all assistance upon this very important matter, not because there is less necessity for it, but because a Committee of that hon. House did not then agree as to the details of the Bill before them. Your petitioners further submit, that the whole case loudly calls for immediate attention, and requires to be met by such a comprehensive measure as shall bring medical and surgical aid within a moderate distance of every poor man's dwelling, relieving distress the most revolting to humanity."

It is not, I think, necessary that I should add anything to what is here stated, to give the subject a stronger claim to your Lordships' attention. I only regret that, your Lordships and Her Majesty's Government being in general little acquainted with the circumstances of those on whose behalf this petition is presented, precedence should have been given to any other acts of legislation in reference to Ireland. You have lately evinced an anxious interest in the comforts of the inmates of Maynooth College, and in upholding the Roman Catholic religion in Ireland: I would pray your Lordships and the Government now to give some attention to the physical wants of the more humble professors of that faith. The long-neglected consideration of the interests of the sick poor ought to have had precedence of the endowment of Maynooth, that has occupied so much of your attention. In this observation I mean no direspect to the Roman Catholic priests, many of whom, I am sure, would agree with me in opinion upon this subject; for, as far as I have had opportunity of observing, I am happy to bear my testimony to the fact, that the Roman Catholic clergy, as well as the clergy of the Established Church, have been always forward as contributors, according to their means, to the medical relief of the poor. Before I put any question to Her Majesty's Government with reference to this subject, I will present to your Lordships another petition, of which I likewise gave notice, from the same board of guardians, on the subject of the Poor Law. The petitioners express great dissatisfaction at the powers conferred by the Act upon the Commissioners, and at the manner in which those powers have been exercised; and pray for an inquiry into the conduct of the Commissioners, and into the whole system and working of the Poor Law. At this late period of the Session, I, of course, could not support the prayer for a Committee; and I may observe, that I should feel at any time very reluctant to press upon Parliament to undertake the duty and responsibility that I think properly belongs to the Government —I mean, that of originating inquiry, now, certainly, become very necessary, for the purpose of amending and duly carrying out the principle and objects of the Poor Law. The Government, I think, is, and ought to be, held responsible not only for the proper administration of the law, but also for the duty of proposing to Parliament such amendments as may be necessary to promote its success. And whether such amendments result from the suggestions of evidence taken before a Parliamentary Committee, or before a Commission specially appointed for the purpose, or from the unaided judgment of the Members themselves of the Government, I trust that another Session will not be allowed to pass over without the Poor Law being amended, improved, and carried out to its legitimate extent. I the more anxiously press this upon Her Majesty's Government; as I think that much of the ill success that has hitherto attended the measure, has arisen from their refusal, in 1842, to comply with the general desire of the people of Ireland, of the gentry of all parties and denominations, for an inquiry into the working of the law—not proposed for the purpose of repealing the Act, but for the purpose of placing it upon a satisfactory and effective footing. Had that inquiry been granted, its present unpopularity would have been obviated. I also press the subject upon the attention of Government, because the dissatisfaction of the public has been of late much aggravated by the responsibility of the measure having been in a manner disowned by two of Her Majesty's Ministers, whose positions render their opinions upon the subject of the Irish Poor Law of the greatest weight. I allude to the speech of Sir Robert Peel in the debate on the state of Ireland last Session, when he is reported to have taunted Lord John Russell with having supported and perfected the Poor Law Act, which he described as having in its opera-

tion occasioned great dissatisfaction, and been among the causes of the Repeal agitation. I allude also to expressions of a like tendency that have more recently fallen from the Secretary for the Home Department. The *Times* newspaper of April 3, reports Sir James Graham to have said, in answer to Mr. French, that the Government, although they did not intend themselves to institute an inquiry into the Poor Law, would not oppose such a Motion if it had the general concurrence of the House; that "he must observe, however, that Her Majesty's present Government were not responsible for the application of the Poor Law to Ireland, and he had himself expressed great doubts when it was introduced, whether it would be found to answer." I do not suppose that those Ministers feel themselves, or intended to convey an opinion, that they really were exempt from a responsibility with which they are peculiarly invested by the offices they respectively have accepted; indeed, the fact that they have since their accession to office introduced an amendment of the Poor Law, shows that they do not; but unpopular as the Poor Law has been in Ireland from the very commencement, the poor rates requiring even now, notwithstanding the exemption of the poorer classes from payment of the tax, to be collected in many instances with the military aid—anything said by those in authority at all reflecting upon the soundness or good policy of the measure, is calculated to compromise its success by increasing and sanctioning its unpopularity. An experiment such as the Poor Law, involving of necessity a compulsory assessment, could not but be unpopular, unless compensated by some corresponding advantage to those upon whom the tax falls. These advantages were originally promised to the great body of the ratepayers, and great reliance was placed by the framers of the measure upon the benefit it would be to the shopkeepers and to the farmers, as well as to the peace of the country, and the general interests of society, by the relief of the country from mendicants and vagrants. This was put forward as one of the chief objects of the introduction of Poor Laws into Ireland. I will, with your Lordships' permission, read, in reference to this subject, an extract I have made from the speech of Lord John Russell, on proposing the law:—

"It appears, from the testimony both of theory and experience, that when a country is in such a state that it is overrun by numbers both of marauders and of mendicants, having no proper means of subsistence, a prey on the industry of the country, and relying on the indulgent charity of others, the introduction of Poor Laws serves several important objects. In the first place, a Poor Law acts as a measure of peace, enabling the country to prohibit vagrancy, and to prohibit those vagrant occupations which are so often connected with outrage. It is an injustice to the common sense of mankind, when a single person or family are unable to obtain the means of subsistence—when they are altogether without the means of livelihood from day to day—to say they shall not go about the country to endeavour to obtain, from the charity of those who are affluent, that which circumstances have denied to them. But when once you can say to such persons, here are the means of subsistence, as far as subsistence is concerned—that is offered to you—when you can say this on the one hand, you can say on the other hand, you are not entitled to demand charity—you shall no longer infest the country in a manner injurious to its peace, and which is favourable to imposition and outrage."

Lord John Russell then lays much stress upon the fact, that outrage and disturbance are the common results of able-bodied vagrants and mendicants being permitted to infest the country, and gives it as his opinion that these results have been exemplified; and, I think I may add, they are daily exemplified in Ireland; and then proceeds, with respect to the relief of the ratepayers, to observe—

"There is no doubt whatever of this, that a large portion of the people of Ireland, especially those not having land, do practise mendicancy for a great portion of the year. I have made inquiry with respect to the amount and extent of the relief afforded to that mendicancy; for it is to be remembered that a very considerable tax is now raised on the farmers of that country by mendicants, and which, I may say, is now raised as a compulsory rate. With this view, I asked of my noble Friend, the Secretary for Ireland, to obtain as accurate an account as possible of the amount paid in this way from two or three farmers, in ten or twelve districts, the amount that was paid for rent—the amount paid for tithes—the amount paid to the Roman Catholic priests, and the amount paid to mendicants. The result is, I should say, that in most cases a shilling an acre is paid in the course of a year by the farmers for the support of mendicants. In some cases it has been 6*d.* an acre, in others 9*d.*; but in one case, where a person had a farm, not very considerable in extent, it was more than 2*s.* an acre. That person paid 10*l.*, not in money, certainly, but in food. There was more than

2s. an acre paid for mendicity. Now, this in itself is a very heavy tax, and which cannot be assumed, upon the whole, to amount to less than between 700,000*l.* and 800,000*l.*, perhaps a million in the year; and, let it be observed, that this practice of mendicancy, which raises so vast a sum in the country, is not like a well-constituted Poor Law, which affords relief to the really indigent. It is the practice in Ireland for the farmer to give relief to the mendicant who asks for it: the potatoes are there ready for him; there is no inquiry into the circumstances of the mendicant—he begs at a distance from home, where he is not known."

Now, my Lords, what is the state of things after a lapse of seven years since this Poor Law, so pregnant, as it was supposed, with great benefits to the peace and welfare of the Irish people, has been enacted? The workhouses, good, substantial and salubrious buildings, have been erected at considerable expense, and prepared for the reception of three times the number that now occupy them, and the staffs requisite for their entire complement are paid for; but Ireland still presents the same disgraceful exhibition of vagrancy and beggary, with the superadded evil of general dissatisfaction with a law which was intended, but has hitherto failed, to remove it. The promise implied in Lord John Russell's speech to the middle and lower classes of occupiers not having been fulfilled, they feel that they have been deceived, and only recognise in the poor rates a new grievance—in the enactment of the Poor Law a new ground of objection to legislation by the Imperial Parliament—a new argument for the Repeal of the Union; and thus a law, conceived in a spirit of charity and benevolence, intended for the relief of the industrious poor, as well as to provide a refuge for the helpless and destitute, and calculated in its operation to cement the bonds of society, by uniting all classes in the interest and endeavour to promote the general improvement and development of the industrial resources of the country, has only added to the embarrassments of the country, and to the feelings of discontent that pervade it. It is often objected that a law of settlement would be necessary for a Vagrancy Act, and that this difficulty would be a bar against its enactment; I think this is a mistake in speaking of Ireland. There already exists a law partially of settlement; for which, I think, the country is much indebted to the noble Duke (Wellington)—I mean the clause in the Poor Law for charging to electoral divisions or parishes those paupers respectively belonging to them, and thereby creating a local interest in the diminution of pauperism. The effect of this clause, since more exactly defined by the Irish Poor Law Amendment Act of 1842, would probably be found quite a sufficient law of settlement for carrying out the principle of a good and effective Poor Law. If uniformity of poor law administration be duly maintained—and it should be one of the first duties of the Commissioners to preserve uniformity as far as practicable in every workhouse—if efficient workhouse inspection be provided for, the regulations for the government and discipline of every workhouse being the same, and the dietary in all upon the same scale of economy, a pauper would not find any temptation to resort to one workhouse more than to another. Except, however, in very peculiar cases it would be necessary that the application for relief should be taken as the test of destitution; and, from my experience, as a member for some years of a board of guardians, I do not think it would be often an untrue view to take of such applications. The existing workhouse accommodation, it might, in the absence of more exact information, be assumed, would be sufficient to do what it was originally designed to do; and I think there is the more probability of the original calculation being correct, from the fact that less than one-third, in some Unions less than a fourth, is the amount of accommodation actually in use. The present occupants are, certainly, the first objects of compassion, namely, the aged, the helpless, and the orphan; and, rather than that the law should be repealed, I would, upon the ground of humanity alone, continue it even in its present very imperfect state. It is no trifling consideration that those really destitute and helpless objects, who now alone seek admission, should feel that they are cared for by the State, which they formerly were not—that a refuge should be afforded to them where they can receive, with the necessaries of life, that medical aid and religious consolation which is scarcely enjoyed, and could certainly not be imparted, by those upon whose kind sympathies and charity they before for the most part relied for subsistence; and it is in the highest degree important to the interests of the community, that orphan and otherwise destitute children, in place of being, as formerly, brought up in ignor-

ance, vice, and habitual vagrancy, and often prematurely cut off by want and disease, the consequence of neglect, should be trained to early habits of discipline and industry, and receive such an education as may fit them to become afterwards useful and good members of society. Such an education, I am happy to say, they now do receive in every well-regulated workhouse in Ireland. But, great as these advantages must be viewed by every friend to humanity, equal consideration is also due to the interests of the industrious poor —to those who seek not to be relieved in the workhouse, but who look to the Poor Law to relieve them from the sturdy beggar and the idle vagrant—but who are still compelled, although subject to a poor rate, to give them food and shelter in their own dwellings, and from their scanty earnings. The addition to the poor rate, by the enactment of a law against vagrancy, would be as nothing compared with the benefit to these ratepayers and to the community. It would, indeed, be a gratifying circumstance if the absence of the able-bodied, in general, from the workhouses, were owing to their earning their bread by honest industry; but this cannot be said to be the case where mendicancy prevails to so great an extent, and where outrages, for which non-employment and consequent destitution are pleaded as the excuse, are almost of daily occurrence, and systematically perpetrated. So generally have the able-bodied mendicant, unless in sickness, abstained from applying for workhouse relief, that in many establishments it is scarcely possible to have even the necessary work performed without hired assistance, in consequence of the present pauper inmates consisting almost entirely of the bedridden, the feeble, the crippled, the blind, the sick, and children of tender years. There would, therefore, be little difficulty in finding work as well as workhouse accommodation for such as are really destitute of any other resource, thus ridding the country of the continued exhibition of a state of destitution that cannot be said to be real, where such a provision has been made for it. It is very observable that there is a reluctance in some Unions to bring the Poor Law at all into operation. I would say, my Lords, that in such Unions as have not their union houses open for the reception of the destitute, the law against vagrancy should not be enforced; or rather it should be proclaimed and enforced only where the guardians perform the duty of carrying out the objects of the Poor Law. Such a measure, the details of which are perfectly practicable, but would of course require much attention, would, I am convinced, bring the Poor Law into speedy and beneficial operation all over the country; and for statistical purposes, and to arrive at an exact knowledge of the real surplus or unemployed population of Ireland, would be of the greatest importance, especially at the present time, when a disposition to review the laws relating to the occupation and management of land is manifested by the Legislature, and a desire for the improvement of the circumstances and prospects of the population has become so general. Some addition to the workhouse classification would, indeed, be rendered necessary, in order to let in persons of either sex of doubtful or blemished characters: this, however, would be easily provided for by some slight alterations in the idiot and lunatic wards, which, both on the male and female sides of the poor houses, are at present almost invariably vacant, and, I may add, an act suitable for their original purposes. It would not be fair by the destitute poor of unblemished character to be, upon their admission to the workhouse, necessarily associated with persons whose destitution may have resulted from their very habits of vice and profligacy; and, on the other hand, it is practically driving such persons to desperation and crime, and denying them a *locus pœnitentiæ*, if, while you afford them no out-door relief, you, at the same time, refuse them admission to the workhouses. Relief given in classes thus separate from the other inmates of the workhouses, there would be an incentive to good behaviour, as a new character might be earned by good conduct, and the paupers, from time to time, promoted to those classes in which they would have been at once placed had their characters before admission justified it. I have observed, in reference to the introduction of a Vagrancy Act, that an efficient system of workhouse inspection would be necessary to maintain that uniformity of discipline and general management which should place the workhouses all upon a footing of equality in respect to the comforts of the inmates. If your Lordships were to require returns of the inspections given to those institutions, either by the Commissioners or by the Poor Law Guardians, you might be surprised to find that in many houses weeks, and in others whole months, pass over without any inspection having taken place. I

do not, in saying this, mean to cast any reflection either upon the Poor Law Commissioners or upon the guardians of the poor—the duties of both are sufficiently onerous. I cannot join with those who think the Poor Law Commissioners are sinecurists, although I have not been slow to find fault with acts of their administration: it would, however, be impossible to charge upon them the duty of regular workhouse inspection; and, as to the guardians, they are in general persons whose avocations leave them little time to give up more than the duty of ordinary attendance at the meetings of the board. It is, therefore, necessary to look elsewhere for the machinery of inspection. When my noble Friend (Lord St. Germans) was Secretary for Ireland, I took the liberty of urging upon the Government, through him, the propriety of imposing the same duties of inspection upon the workhouse chaplains as are performed by chaplains of gaols. In doing so, I was certainly animated by the desire of also having them placed, Protestant and Roman Catholic, upon the same footing of equality in respect of salary as under the Gaol Act, which had been so generally satisfactory; for I felt, and still feel, that it was a most impolitic act, as well as an injustice, and an uncalled for insult to the clergy of the Established Church, to place them upon a footing of inferiority, in any respect, to the ministers of any other denomination. I am sensible that in the present disposition of Her Majesty's Government, no alteration could be made in this respect; and I, therefore, do not press it, but simply suggest, that as the chaplains do visit, and certainly ought to visit the workhouses with regularity, whatever the amount of remuneration allowed to them, they should be required, Protestant and Roman Catholic, alternately to make reports of their observations upon the obedience given to the workhouse orders and discipline—upon the quality of the provisions, and of any complaint of any inmate of the House. This would involve little or no additional trouble, and need not be accompanied with any controlling power whatever, nor should it supersede the necessity of occasional inspection by visiting committees of the guardians. There are other improvements in the Poor Law much needed, and defects in it that call loudly for a remedy. I agree with the petitioners in thinking that the powers of the Commissioners ought to be reviewed, and that they ought not to have greater powers than are clearly necessary for carrying the Act into execution. It would relieve the ratepayers from the vexation of frequent and minute collections, to have but one rate imposed in the year; and I think that rate should be collected simultaneously, and by the same officers as the grand jury rate. The advantage to the ratepayers of having but one call upon them in the course of the year, is noticed in the Report of the Land Commission. From that Report, it also appears, that the injustice has sometimes been done to tenants at will of not allowing them the portion of the poor rate they were intended to stop from their landlords' rent. Such cases are, I trust, of rare occurrence; but where they do occur, they are most unjust and illegal, and must necessarily impede the success of the Poor Law, as does also the practice, which is very general, of making valuations too low, by which means it often happens that the whole burden is shifted from the tenant upon the landlord, in place of both having an equal interest in the economical management of the Poor Law. I have adverted to these points, and more particularly to the want of a Vagrancy Act, as they appear to me to require the prompt and serious consideration of the Government, and because Members of Parliament are sometimes reproached for finding fault with the measures of Government, without pointing out how they should be amended. I do not think that any more important subject with reference to Ireland could engage the attention of the Government than the Poor Law; and I am satisfied that if it be properly carried out, it would tend more than any other measure to improve the social condition of the country, and possibly to hasten the development of its agricultural resources. Having stated so much, it only remains for me to ask, on behalf of the many who are interested in the subject, whether—as no inquiry is to take place, or Bill to be brought forward in this Session, for the amendment either of the laws relating to medical charities, or of the Poor Law—it is the intention of Her Majesty's Government to take the subject into their consideration during the recess, with a view to amending or altering those laws in the ensuing Session of Parliament?

Lord *Stanley* said, there was no doubt now of the maintenance of the Poor Law in Ireland; but if the noble Lord was of opinion that an inquiry should take place with reference to it at the commencement of the next Session of Parliament, he (Lord

Stanley) was authorized to say that there would be no objection on the part of Her Majesty's Government to such an inquiry, and that the subject of the Irish Poor Law, involving the important question of medical relief, should be submitted to the consideration of a Committee in this or the other House of Parliament. The Government were not prepared to recommend the introduction of any Vagrant Act, considering the impossibility of putting down mendicancy in Ireland, and the expense of attempting to do so; nor, as at present advised, were they prepared to legislate on the question of medical relief. He did not deny that the present law might be, in some respects, deficient; but, till the fullest inquiry should be made into the working of the whole law next Session, they were not prepared to advise any further amendment of the existing law.

The Marquess of *Londonderry* said, he had opposed the introduction of a Poor Law into Ireland; but it having been introduced, he hoped their Lordships would give it a fair trial, and he was convinced it would prove in the end a beneficial law. If their Lordships would pass a Bill for leaving Ireland alone for three or five years, it would be one of the best measures ever introduced.

The Marquess of *Clanricarde* had had no reason to change the opinion he entertained from the first, that a Poor Law would be productive of no good for Ireland. He had petitions from all parts of Ireland—one from the extreme west, and another from the extreme east—all stating that mendicancy had increased since its introduction, and he had himself been a witness to the increase of mendicancy in the streets. The Poor Law had failed in every respect, and disappointed those who had brought it in.

Petitions read, and ordered to lie on the Table.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 8, 1845.

MINUTES.] BILLS. *Public.*—1°. Ecclesiastical Patronage (Ireland); Art Unions (No. 2).

Reported.—Colleges (Ireland); Scientific and Literary Societies; Bills of Exchange, &c.; Schoolmasters (Scotland).

3°. and passed;—Field Gardens; Turnpike Trusts (South Wales); Constables, Public Works (Ireland).

Private.—2°. Manchester and Leeds Railway (No. 2); Gildart's (or Sherwin's) Estate.

Reported.—South Wales Railway; Monmouth and Hereford Railway.

PETITIONS PRESENTED. By Mr. Botfield, from Hereford, for Compensation (Ecclesiastical Courts Bill).—By Sir James Graham and Mr. Oswald, from several places, against the Universities (Scotland) Bill.—By Mr. Mackinnon and Mr. Moffatt, from Yass and Illewara (New South Wales), for Repeal of certain Acts relating to that Colony.—By Mr. T. Duncombe, from Leigh, for Inquiry into the Anatomy Act.—By Mr. S. Crawford, from Coventry, against Commons' Inclosure Bill.—By Mr. Pusey, from Surrey, in favour of Commons' Inclosure Bill.—By Mr. Tuffnell, from the County of Cornwall, for Alteration of the Duchy of Cornwall Lands Act.—By Lord George Bentinck and Mr. M. Sutton, from King's Lynn and Cambridge, for Repeal or Alteration of Insolvent Debtors' Act.—By Mr. J. Collett, from Poor Law Guardians of the Athlone Union, for Alteration of Law relating to Landlord and Tenant (Ireland).—By Mr. T. Duncombe, from Joseph Digby, Esquire, for Inquiry into Treatment of Lunatics.—By Mr. T. Duncombe, from Mansfield, for Removal of Treadwheel in Mansfield Union.—By Mr. Divett, from Edward Carter, Ottery St. Mary, against the Physic and Surgery Bill.—By Mr. Bannerman, and several hon. Members, from the County of York, in favour of the Ten Hours' Factories Bill.—By Viscount Castlereagh, from County Down, for Alteration of the Grand Jury Laws (Ireland).—By Mr. W. Fielden, from Blackburn, for Repeal or Alteration of Insolvent Debtors' Act.—By Mr. Smith O'Brien, from the Loyal National Repeal Association (Ireland), for Alteration of Law relating to Landlord and Tenant (Ireland).—By Mr. Tatton Egerton, and Mr. Wakley, from Birkenhead and a great number of places, for Postponement of Physic and Surgery Bill.

COMMONS' ENCLOSURE BILL.] The House met this day at twelve o'clock, and devoted the morning to consider the Commons' Enclosure Bill in Committee; which, with some conversational discussion on the separate clauses, was carried through as far as the 70th Clause, when it being four o'clock, the House resumed, and the Committee was ordered to sit again.

The House adjourned till five o'clock, and then met again.

SOUTH WALES RAILWAY.] Mr. *E. Buller* brought up the Report on the South Wales Railway, and the Monmouth and Hereford Railway Bills.

Mr. *J. H. Vivian* moved that the Report be considered on Friday next.

Captain *Berkeley* thought that they should not depart from the usual course of proceeding, namely, of taking the Reports on Railway Bills into consideration on Tuesdays.

Mr. *Greene* said, it was most necessary that the rules of the House should be observed, because if they were departed from in one instance, they would be interfered with in others.

Lord *Granville Somerset* said, any delay in Railway Bills was most material at this advanced period of the Session; and in the present instance if the Motion of the hon. Member were not acceded to, the effect would be that a most important railway would be delayed for another Session.

Mr. *Labouchere* said, he had only a

general knowledge on the subject of the Railway Bill under consideration, and he did not wish to do anything which would have the effect of preventing the Bill from passing this Session. It was, however, very well known that the project for the South Wales Railway was supported by powerful interests having much influence in that House; and he would ask, were they, under such circumstances, to depart from the Standing Orders in favour of a Bill so supported, while they declined doing so in other cases.

Mr. *Vivian* said, his Motion went no further than that the Report should be taken into consideration on Friday instead of on Tuesday; and he did not think, therefore, that it could be seriously objected to at the present advanced period of the Session.

Mr. *Sheil* said, he had no personal connexion with the measure, but as an Irish Member connected more particularly with the south of Ireland, he felt a very great interest in the advancement of his country generally, and more especially with that portion of it to which he more immediately belonged. He believed the interests of Ireland would be materially promoted by the proposed railway; and he could assure the House that this was the opinion of the Representatives of the south of Ireland generally; and he should, therefore, give his support to the Motion of his hon. Friend. He believed, from the position of the districts through which the proposed railway would pass, and the south of Ireland, that they would be reciprocally benefited by it—that what was for the benefit of South Wales was for the benefit also of Ireland; and, on the other hand, that whatever would benefit Ireland, would, at the same time, benefit South Wales. He would beg to remind Members of Her Majesty's Government that the First Minister of the Crown had stated with reference to an Irish railway, that he would not consent to allow small obstructions to lie in the way of it; and that the interests of Ireland were so deeply involved in the passing of the measure that the Government should exert itself to promote it. He did not mean to say that the Bill now under the consideration of the House was of equal importance with the Irish Bill to which he had alluded; but still he thought it belonged to the same class, and he should, therefore, give it his support.

Viscount *Howick* said, he was exceedingly averse to applying favours to one Railway Bill which were not extended to others; but though he knew nothing of the particular merits of the South Wales line, he would say generally, that he thought railways ought to get particular indulgence this Session. The House required the promoters of all lines to lay their plans in the first instance before the Railway Department of the Board of Trade, and suspended all proceedings upon the Bills until the Reports of the Board were made. They thus threw back all the railway schemes for a full month of the Session later than they might otherwise have been brought forward, and he thought that circumstance ought to induce them now to show some indulgence to the promoters of these schemes in enabling them to have their Bills passed. He did not think that any substantial injury or injustice would be done by acceding to the Motion before the House, and he was, therefore, disposed to vote in favour of it. He should, however do so only on the understanding that a similar indulgence would be extended to other Railway Bills.

Motion agreed to.

PETITION OF CAPTAIN BERKELEY.] Mr. *Warburton* moved that the Order of the Day be read for the consideration of the petition of Captain Craven Berkeley relative to the East India Steam Ship Company Bill, and the action brought against him by Mr. Scott. The hon. Member presented the petition from the gallant Captain, praying that the House would allow its officers to attend a trial, in which he was defendant, in the Court of Common Pleas, and moved that the prayer of the petition be complied with.

Mr. *Baine* was understood to say that he had been requested by Messrs. Scott, the plaintiffs in the action to which the petition referred, to state to the House the facts of this case. In 1840 Messrs. Scott had entered into a contract with the company in question to furnish them with a ship for India, at an expense of 35,000*l*. The manner in which the ship was built increased the expense to 40,000*l*. Messrs. Scott, in entering upon this contract, had had before them the prospectus of this company, containing the name of the hon. Member for Cheltenham. That prospectus had been extensively circulated, with the

name of the hon. Member in it. In addition to this they had had before them an Act of Parliament authorizing the formation of the company, and also including amongst its original subscribers the name of the hon. and gallant Member. They had all along, therefore, thought that they might come upon him as a partner in the contract, if the other contractors failed to perform their part of their contract. The contract had not been fulfilled, and the Messrs. Scott had lost 50,000*l.* by it. Under these circumstances they had brought an action against the Secretary of the Company, and had got judgment against him. They had since brought an action against the hon. and gallant Member for Cheltenham, as the only director within their reach. On the former trial, the evidence of the officers of the House had been requested, but the House had thought fit to refuse it. The defendant now, however, said, that their absence would be prejudicial to his cause. He did not know how this might be; but whether so or not, Messrs. Scott had no desire that the evidence of the officers should be withheld.

Lord *G. Somerset* said, when the petition was presented the other night, he was opposed to it, only because he thought that what was sought to be proved could be proved by other means than the attendance of the officers of the House. As the hon. Member for Cheltenham, however, feared that the withholding these witnesses might prejudice his case, he saw no reason why the House should not alter its decision.

Mr. *C. Berkeley* said, he was now, as he had been when the petition of the plaintiffs was presented, only anxious for the fullest inquiry. He desired the attendance of the parties in question, only because he thought that the plaintiffs' counsel would be able to prejudice the case in the eyes of the jury, if the powerful shield of that House appeared to be thrown over one of its Members. With regard to the case itself, he could assure the House that he was no more conscious of his name having been inserted in the Act of Parliament as a director of the company, than any other hon. Member of that House. As the question was now a judicial one, he would, however, add no more upon it.

Sir *R. Inglis* took the opportunity of suggesting that it would be desirable to make an addition to the Standing Orders, that no Company proposing to include, in the act of its incorporation, a list of the directors, should be permitted to do so, till the Standing Orders' Committee should have received a list of such directors. And no Company should be permitted to use the name of any director, unless such director should have given his written consent, which should be registered in a book accessible to all the world. This was an act of a public nature, that was to say, it might be pleaded as a public act; and if all men were bound to know the laws, more especially were they bound to know the laws who had a voice in passing them; therefore they ought to know what names were inserted in every Bill.

Motion agreed to.

RIGHT OF SEARCHING AMERICAN VESSELS.] Mr. *Sheil* inquired of the right hon. Baronet at the head of the Government what was the number of American vessels over which we had exercised the right of visiting since the Treaty of Washington was signed?

Sir *R. Peel* said, that the number of vessels visited had been very considerable. He trusted, however, that the right hon. Gentleman would not require a specification of the exact number, when he informed him that the right of visiting had been exercised in every case where a vessel had excited a reasonable suspicion. He was happy to be able to add, that the exercise of that right had hitherto not led to any injurious consequences, nor had it provoked any ill-feeling on the part of any portion of the American squadron which had acted in co-operation with us. Perhaps the House would allow him to read the two latest communications received by the Government from the coast of Africa; one as to a case where the Right of Search was exercised by a British cruiser alone, after the signing of the Treaty of Washington, and the other where there was a co-operation between the combined English and American squadrons. The first letter was as follows:—

"ENCLOSURE OF A LETTER TO THE SECRETARY OF THE ADMIRALTY, OF THE 20TH OF MAY, 1845.

"*Her Majesty's Brig Heroine, at sea, April* 22. 1845.

"Sir—In obedience to the orders contained in the general instructions for commanders of Her Majesty's vessels employed in the suppression of the Slave Trade, I beg leave to inform you that on the 22nd ultimo, I visited

in Mayamba Bay an American schooner, the *Henry*, and on the 21st of February the American brig *Starling*, of Beverley, in order to ascertain their nationality, and, no objections having been made to the visit, I found them to be *bonâ fide* Americans, and left them as soon as possible.—I have the honour to be, Sir, your most obedient humble servant,

"HENRY R. FOOTE,
Lieutenant and Commander, commanding on the West Coast of Africa."

The next was where there was a conjoint operation. It ran as follows:—

"*Her Majesty's Ship Penelope, Ascension, May* 6.

"Sir—I have the honour to enclose a Report from Commander Russell, of the *Ardent*, reporting operations in the Rio Pongas, in which he was cordially assisted by Commander Bruce, of the United States sloop, the *Truxton*. The result was successful, and highly satisfactory in all respects, two slavers having been surprised, and taken in one of their inner haunts; one vessel under Spanish colours was seized by the *Ardent*'s boats, while at the same moment the officers of the *Truxton* took possession of another schooner, under American colours. The latter vessel has since been sent to Boston for adjudication. This incident, and other indications of sincerity on the part of the American officers now serving on this station, lead me to hope for a degree of future co-operation which cannot but have desirable effects.—I have the honour to be, &c.

"W. JONES,
Commodore and Senior Officer commanding.
"The Right Hon. H. T. L. Corry, &c., Admiralty."

Commander Russell writes—

"Lieutenant Johnson mentions the cordial good feeling that existed between the officers and men of the two nations, in the highest terms; and the zeal, energy, and activity that prevailed among them, which is gratifying for me to record."

He hoped the right hon. Gentleman would rest satisfied that the right of visiting had been exercised in every case where it was desirable, and that it had, as far as he was aware, been exercised with forbearance and caution, and without any interruption of the good understanding between the two squadrons.

Sir *C. Napier* would be glad to know whether any British vessels had been searched by the Americans?

Sir *R. Peel* was not aware of any instance in which that had occurred; no doubt if suspicious circumstances arose, the Right of Search would be exercised.

THE SLAVE TRADE.] Viscount *Palmerston* then rose to move—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House a Return of the Names and Description of the Witnesses examined before the Mixed British and French Commission, appointed to inquire into the best means for suppressing the Slave Trade; and Extracts of such parts of their Evidence as relate to the value of a mutual Right of Search as a means for the Suppression of the Slave Trade."

The noble Lord said: Sir, in rising to make the Motion of which I have given notice, and to call the attention of the House for a short time to the subject of the Slave Trade, I feel that the House will not require from me any apology for such an encroachment upon their time. The subject is one which has, for many years past, excited the deepest interest both in Parliament and the country. It relates to one of the greatest and most flagitious, the most atrocious, and the most widely-extended crimes which have ever yet afflicted mankind. It relates to a crime which barbarizes and desolates Africa—which degrades and demoralizes the nations of America—I may say, from north to south;—which debases and brutalizes Asia—and which, I regret to say, still stains some of the nations of Europe with what I must hold to be unpardonable guilt. Sir, the frightful number of the victims of this crime cannot with any precision be ascertained. My hon. Friend the Member for Gateshead (Mr. Hutt) the other night told us, that the number of human beings carried off annually from Africa to America, including those who were landed and those who died in consequence of the passage, amounted, according to his calculation, to no less than 200,000. You will remember, too, that whatever the number may be, an equal number must be reckoned as having been the previous victims of the violence used in their capture, and of the sufferings endured on the march; and whether the number be, as the right hon. Baronet (Sir R. Peel) has supposed, greatly exaggerated, or whether it be near the truth, at any rate the Christian share in the Slave Trade, is, in its extent, most appalling. Now, Sir, every man, be his country what it may, whose mind has not been contaminated by participation in this atrocity, must feel the most ardent desire that this great offence should cease; and I am

sure there cannot be an Englishman who would not glory in the idea that his country had had the honour of taking a leading part in the accomplishment of so great a purpose. But we are told, and in some degree I think truly, that of late a change has taken place in the opinion of many men in this country who feel the deepest interest in this important matter; not a change indicating the slightest abatement in the horror and detestation which they feel for this practice—not a change consisting in the slightest diminution of their ardent desire to employ every practicable means of putting an end to it—but the change to which I allude consists in this, that many men whose good intentions I respect, and whose judgment in general is entitled to great weight, but who, I think, have looked only superficially at this matter, seeing on the one hand that the efforts which we have made since the year 1814 to put an end to the practice have not entirely effected the object—seeing that the Slave Trade still continues, have begun to despair of obtaining their object by the suppression of the Slave Trade, have adopted the opinion that our efforts are fruitless, have directed their efforts to another object; and thinking that they could best succeed by labouring for the abolition of slavery, have slackened in some degree in their efforts for the suppression of the Slave Trade itself. Now, with all respect for those persons, I differ entirely from the opinions which they entertain. I regard their despair of suppressing the Slave Trade as without reason, and I think the conclusion to which they have come quite erroneous. It is undoubtedly and obviously true that slavery is the cause, and object, and purpose, of the Slave Trade; and that if we could, by possibility, abolish all over the world the condition of slavery, the Slave Trade would, of itself, necessarily cease. But it is also equally true, that the Slave Trade is the root which gives life, and spirit, and stability to the condition of slavery. Seek to upheave a vast living tree, whose mighty roots are strongly, vigorously, and deeply imbedded in the soil, it will baffle the utmost exertions of your strength; but lay your axe to the root, cut off the supply of nourishment, and the tree will sicken and decay, and you will no longer find any difficulty in bringing it to the ground. It is on this principle I hold that, looking at the matter in a practical point of view, we ought to apply our great efforts to the suppression of the Slave Trade: cut off the supply of slaves, and I apprehend you will have achieved the best and shortest mode of destroying slavery. When you ask people to put an end to slavery, to emancipate their slaves, you ask them, almost in so many words, to give up their property—to give up that on which, perhaps, their existence depends; and you can, therefore, hardly expect them to assent to your proposal. But when you ask them to concur with you in the abolition of the Slave Trade, all you require of them is, that they should combine with you to prevent other persons from committing the crime; and you are much more likely to succeed in this object with them: the same motives which operate with them against your proposition in the one case, influences them in your favour in the other; for you would very frequently find the same owners who would struggle against you to the last for the preservation to them of the means by which they cultivate their slave-worked lands, eager to aid you in preventing the introduction, on the part of others, of fresh negroes, the employment of whom would be bringing into cultivation fresh tracts of land, whose produce would enter into injurious competition with that of their own existing estates. Do not, then, be persuaded to turn your attention from the Slave Trade to the condition of slavery. But it is urged that our efforts for the suppression of the trade have been fruitless. Now, I take upon myself to deny that proposition. It is said that we have not diminished the Slave Trade; that we have not reduced, by all our exertions for the last thirty years, the number of slaves transported from Africa; and that we have not succeeded in mitigating in any degree, but have, on the contrary, aggravated the sufferings of the negroes on the passage. I will take the last point first; I admit that we have not succeeded in mitigating those sufferings; but I altogether dispute the assertion that the means we have taken to prevent, have aggravated them. Any man who will dispassionately review the evidence given at various times during the last half century, before Committees of the House, and otherwise, must see that it would be absolutely impossible for the evils of the passage to the wretched captives to be aggravated beyond what they have been.

The miseries endured by the negroes on their voyage across the Atlantic, all past evidence proves to have been greater almost than human imagination could conceive, and, in practice, impossible to be increased; and, in point of fact, all we learn of the state of things on the passage now, shows us, that while, most unhappily, the evils are not lessened, at all events, they are not aggravated. Again, when it is said that our efforts have not diminished the number of Africans who are annually the victims of this traffic, I cannot assent to that statement. If the Government had given me that Return which I moved for about this time last year, I should have been in a condition to have brought forward this matter on more detailed and correct data. A Return, no doubt, was given; but prepared in so careless—in, I must say, so slovenly a manner, as to be really good for nothing; and I accordingly returned it, privately, to the right hon. Baronet, with an observation to that effect. However, this clearly appeared, that in the years 1840, 1841, 1842, the number of Africans who were victims to the Slave Trade was greatly less than on the average of the preceding forty years; so that, at all events, it cannot be said that our efforts have been wholly unsuccessful in diminishing the number of victims to that traffic. In looking at this question, and narrowly, we are not to measure the value of the methods employed for the suppression of the Slave Trade, by the mere test of whether the number of negroes actually transported had, within recent years, not actually diminished; because, if it can be shown that the measures which we took have had the effect of preventing an increase, as compared with what might otherwise have taken place; then, it is evident that a great and important good has been effected. In the first place, what is the presumptive proof of this good having been effected? Among the Papers laid on the Table of the House in this year, and in former years, is a statement of the number of vessels which had returned from the coast of Africa to Cuba, or Brazil, empty, in consequence of having been prevented by your cruisers from getting cargoes; and that number was considerable. It frequently appears that, in consequence of the blockade of rivers and bays, vessels were prevented from executing their orders, and obliged to return home empty, not being able to procure negroes. Further, in the Returns moved for by my hon. and gallant Friend (Captain Pechell) behind me, it appears that since 1819, no less than 158 vessels were taken and condemned as slavers by the Mixed Commission Court of Sierra Leone, before they had received any negroes on board. Now each of those vessels would not have returned with less than 300 negroes on board, which would make an aggregate amount of no less than 50,000 or 60,000 negroes, all of which had been saved from the sufferings of the passage, and from slavery, by the exertions which were adopted to prevent these vessels from taking cargoes on board according to their orders. Then there were upwards of 60,000 negroes emancipated at Sierra Leone, and many others nominally, and only nominally, emancipated elsewhere. But if more positive proofs are required of the effects which have followed the methods which have been adopted to put an end to the Slave Trade, we have only to look to the vast extent of uncultivated land in Cuba and Brazil, and to recollect the increasing demand in Europe for the productions of slave labour of tropical climates; from both of which circumstances it may be fairly concluded that if the traffic in negroes were not restricted by the measures which were adopted, there would have been an immense increase in the number of negroes exported from the coast of Africa. It is stated in a Paper which was laid on the Table of the House, with respect to slave dealing in Brazil and Cuba, that a slavedealer would consider himself very well off if one vessel out of every six returned from Africa with a cargo of negroes; and that in consequence of the difficulty of procuring slaves the price of negroes had greatly risen, as the supply was infinitely short of the real demand for slaves. I am, therefore, looking at these things, entitled to affirm that the efforts which have been made, though not successful in putting an end altogether to the Slave Trade, have not been altogether fruitless; and that the evil has been very much restrained in its extent, though it has not been removed. But let me ask, what efforts have been really made to put an end to the Slave Trade? What has been the system which, it has been maintained, has been tried, since 1814, to this period, to accomplish this object? Why,

Sir, I am enabled, I think, to show that so far from its having been tried, and having failed, it has, on the contrary, never yet been fully tried up to the present time; that since 1814 it never yet has been brought into full operation, according to the principles on which it was founded. In the first place, this country contracted various Treaties with other Powers, the subjects of which were in the habit of carrying on the Slave Trade; by which Treaties, those Powers were bound to pass laws to prevent their subjects from carrying on the Slave Trade, either directly or indirectly, and to undertake to prevent their subjects from committing any infraction of those laws. The countries with which this country formed such Treaties are Denmark, Sweden, Holland, Spain, Portugal, and Brazil; and if those Treaties were faithfully and honourably executed, if the Powers which entered into them promulgated the laws enacted in accordance with them, as they bound themselves to promulgate them, and if they put those laws in force as they had bound themselves, there would, in my opinion, have been an end of the Slave Trade before this time. I know, that it may be said in answer to this statement, that the laws promulgated by those countries to prevent slave trading might be evaded by their subjects in the same manner as the laws to prevent smuggling are evaded. I hold, however, that such an offence as smuggling a cargo of human beings is easily prevented; for you cannot take negroes as smugglers take kegs of brandy, and sink them a mile from the shore, with buoys to mark the place where they have been sunk, in order that they may return and carry them away at the next tide, and bring them ashore. Nor can you hide a cargo of human beings, as smugglers hide bales of tobacco, or silks in a cavern in a gentleman's lawn, and carry them away one by one to different parts of the country to sell them. Even on a smaller scale, there is no difficulty so great as that which the murderer has in getting rid of the body of his victim in such a manner as to prevent it from turning up in some way or another to become evidence of his crime. I hold it, therefore, to be utterly impossible that a large number of men, women, and children could be landed on the coast of a civilized and well-organized country, and then sold and distributed to the estates of the owners, if the Government of that country chose to enforce laws which had been framed to suppress the practice. Sweden, Denmark, and Holland have fulfilled their engagements; and there is no reproach to them for neglecting to observe them. France can of her own accord, and without the Treaty of 1831, abolish the Slave Trade; and, generally speaking, the Slave Trade, so far as France is concerned, is at an end. I am afraid, I cannot say universally, because not only is it reported that a large number of slaves are brought annually from Madagascar and the East Coast of Africa to the Isle of Bourbon, but there is in these Papers an account of a Treaty recently concluded between the French Government and the Imaum of Muscat, which, under the pretence of being a Treaty to enable the French to have free negroes for the cultivation of the Isle of Bourbon, is, in fact, a Treaty for the legalization of the Slave Trade. With regard to Sweden, Denmark, and Holland, the engagements entered into with them, with a view of putting an end to the Slave Trade, have been honourably fulfilled. With respect to Spain, Portugal, and Brazil, I must say that the engagements entered into by those Powers have been perseveringly, systematically, scandalously, and dishonourably violated. We are told that the conduct of the Government of Portugal has of late undergone alteration. What I said with regard to Portugal applies to its conduct up to 1839 or 1840. The Government tells us that Portugal has of late begun to be awake to a sense of their obligations to act according to the Treaty. Sir, I am glad to hear this statement on the part of the Government. I regret to say that the Papers and Correspondence of the year 1844, do not bear out so fully as I could wish the entire absolution of the Portuguese Government. At the same time, the exceptions to which I allude, appear to have been exceptions consisting of the misconduct of Colonial authorities, who, I believe, have since been removed by the Portuguese Government; and I have no doubt that at the time at which I am speaking, Portugal is fairly, and honourably, and, if so, I am sure she is advantageously to herself, fulfilling the obligations which she has contracted. But, Sir, if Portugal has so altered her conduct, what is the occasion of that change? Has it been any spontaneous sense of duty which suddenly came upon the Portuguese Government as the result of their own re-

flection? Not in the least. If the Government of Portugal are now fulfilling the obligations under which they have, for seven-and-twenty years at least, been lying in relation to this country, it is not owing to any honourable feeling on the part of that Government; it is solely owing to the measure of coercion which we proposed to Parliament in the year 1839, and which Parliament, most honourably, I may say, to parties in both Houses, agreed to adopt; those who were then the opposers of Government most magnanimously forgetting any advantage which, in a party point of view, they might for the moment have reaped from embarrassing our measure, in order to secure to the measure that character which rightly belonged to it—the character of a general determination of Parliament to assert the rights of the country established by Treaty, and put an end to the atrocious Slave Trade. Sir, I say it was that which brought Portugal to her senses; it was that which brought her to a sense, not of the duty which she owed us—of that she was aware before—but to a sense of her inability to resist us when she was in the wrong. She appealed in vain to the Powers of Europe. She had trifled with us for a long course of years, and when she found that we were no longer to be trifled with — when she thought it would not be prudent to brave us any longer, she submitted. She signed the Treaty in 1842, after the present Government had assumed office, and we admit that she is now honourably fulfilling the obligations which she had incurred. That is the ground of the alteration which has taken place in the policy of Portugal —it affords a good example of the effect which may be produced by such a course of conduct as that which we adopted towards her, and which, I rejoice to find, is to be followed up in analogous measures with other Powers. I say this the more assuredly, because, the advantages of this alteration in her conduct have not been confined to Portugal, or to the seizure of a large number of vessels carrying the Portuguese flag, which were engaged in the Slave Trade; for it is a remarkable coincidence that Brazil and Spain, the Governments of Rio de Janeiro and Cuba, which had trifled with England, and had met her remonstrances with false assertions, or vexatious and frivolous excuses, showed also that they were ready to fulfil their Treaties when England showed she was in earnest, as she did by the measure of 1839. It is a remarkable coincidence, but a very happy and agreeable one, that the veil appeared at once to have dropped from the eyes of the Government of Brazil, who became, accordingly, very earnest in the execution of their own laws, and in fulfilling our Treaties. By another most fortunate coincidence, that immediately after that measure had been determined on, and announced by us, there came to Cuba, as had been noticed by the right hon. Baronet, on a former occasion, for the first time, a Governor who repudiated the practices of his predecessors, and refused to accept of those fees on the importation of negroes which had been received by former Governors, and who set himself fairly and honourably to the work of carrying out the spirit of the Treaty. In consequence of this there occurred in 1840, 1841, and 1842, a singular and sudden diminution in the number of slaves introduced into Cuba; and that, as we have ascertained from the right hon. Baronet, Brazil and Cuba, for the first time, showed a disposition to act in accordance with the Treaties into which they had entered. It will thus be seen that the vigorous measures which we rightfully took with regard to Portugal, were not only followed by successful results in Portugal, but were accompanied (I will say no more than accompanied) by a most beneficial change in the conduct of Brazil and Spain. Sir, I repeat, that the true way of putting an end to slavery is by putting an end to the Slave Trade; there can be no doubt, that to abolish that trade, will put an end to much of the suffering now endured by slaves. It is manifest that this must be the case. In the first place, when the slave owner feels that he can work out his slaves as he pleases, and make them go through the greatest amount of labour with the smallest supply of food, and by such means, and by saving all care and expense about them during sickness, and buying fresh negroes when these are expended, can work his estate more beneficially and cheaply, the consequence is, that the demand for slaves in the market is extended, and the facilities and rewards for importation are higher. But, when the Slave Trade is prevented—when the supply of slaves is cut off, and the owner knows if one of his slaves dies, he cannot buy another in the market, the

view of the slave owner becomes immediately altered, and he sees the expediency of treating his slaves in the same way in which a sensible man would treat his horses or his oxen, or any other animals that were useful to him. He gives the slave good food, the better to enable him to labour for his master; he takes care of him in sickness, that he may prolong his life, which is profitable; he spares the female slave while she is breeding, in order that she may bring forth her offspring alive, as he wishes the offspring to be born for his future use; and, in fine, his whole conduct as regards his slaves is altered. It is quite clear, therefore, that by accomplishing, if we could, the termination of the Slave Trade, we should at once divest slavery of a great number of its horrors; for the master would have a stronger interest in preserving the health and the life of his slave, than if an unrestricted traffic were permitted. I do not mean to say that a feeling of mutual interest would be so strong as to extinguish the bad passions of human nature altogether—those passions which are more violent in the heart of the slave owner than of others, as the system of slavery has the effect of demoralizing not only the slave, but the master—yet the interest of the owner would induce him to improve the treatment of his slaves if he could obtain no other supply in the market. If that good effect would arise, as it undoubtedly would, from the abolition of the Slave Trade, its effect on the condition of another class—of the native Indians of Brazil—would not be less important. It is stated in the Papers which have been laid on the Table of the House, that when the supply of negroes had been for a time cut off, the effect was very soon perceptible in the treatment of the Indians of the northern provinces of Brazil, as the Brazilian proprietors altered their treatment of the native Indians, in order to induce them to labour and settle in the neighbourhood of their establishments; and those efforts were made to bring a wild and savage population into closer connexion with civilization, and an initiation into its usages. The course which we took with regard to Portugal had, as I have shown, a very good effect with regard to Cuba and Brazil; and if the means were applied which we possess to compel Spain and Brazil to conform to and fulfil the obligations which they have contracted with us, the Slave Trade would oon almost cease to exist. That would be, in my opinion, the effect of those States fulfilling the conditions of their Treaties with us; and I, therefore, say, that under these circumstances, it is not fair to tell us that our method has failed; for, in that particular regard, namely, binding other countries to fulfil their obligations, our system has never been brought fully into operation. I know that Spain and Brazil still violate their duties, and Portugal has only recently commenced fulfilling her obligations sincerely and earnestly. Our method of dealing with this trade hitherto has been threefold: the first part of it was to make Treaties compelling Foreign Powers to put a stop to the trade with the markets in their dominions; the second was to intercept the trade in the passage to those markets; and for this purpose we have established a naval police. But it is evident that the establishment of a naval police, consisting of cruisers off the coast of Africa, could have no effect unless our cruisers were armed with the power to search vessels that they might have reason to consider were engaged in the Slave Trade; but it is manifest that this could only be done by consent of the nations with which we had Treaties. We have obtained an agreement to a mutual Right of Search. But how long is it since we obtained that? Had we that Right of Search agreed to ever since 1814? Has it been established during those thirty years during which it has been said that our system was tried? It was hardly tried at all during a great portion of that time, and until the Treaties of 1817—the Treaties with Spain and Portugal—it was not effectual as regarded vessels south of the line, or vessels which had no slaves on board; and it was not until the Treaty of 1831 that we obtained that power over vessels engaged in the Slave Trade, and sailing under the flag of France. In 1835, similar powers were given over vessels with the flag of Spain; and it was not until 1839 or 1840, that adequate powers were obtained as regarded the vessels carrying on the Slave Ttrade under the flag of Portugal. Therefore, it is not just to say that we had a trial of our system for thirty years, as it was not until 1839 or 1840 that we could be said to have adequate powers to make our naval

police effectual, and as regards France the power is now entirely taken from us. In 1841 and 1842, however, when that power of naval police was in full effect, the Slave Trade was materially diminished, and our method did so far perfectly succeed. I have mentioned two courses which are essential in putting an end to slavery, and I shall now come to the third. I have mentioned the effect which would be produced by preventing a supply in the market, as that immediately affected the cultivator of the ground by slave labour; and in the second place, I described the advantages which are derived from preventing the transport of slaves; and I now come to a third course, which tends most effectually to put an end to slavery, namely, interfering with the market at which slaves are bought for exportation on the coast of Africa. It was not until 1838 or 1839 that we had recourse to that part of the system which consists in entering into Treaties with some of the native chiefs, in order to induce them to abandon the Slave Trade, and with others to allow us to land on the part of the coast in their possession, and destroy the baracoons which are used by the slave dealers. That part of the system has had a great effect. To it was attributed, in Sierra Leone, the diminution of the Slave Trade in 1841 and 1842. The Commissioners in their Report last year say, that this circumstance had caused some forty or fifty chiefs to decline the Slave Trade. I do not mean to say that it was the only cause; but it was one of the causes; and therefore I say, that part of the plan was successful as far as it went, and did constitute, so far as it went, a fair trial of the principle on which the method we adopted was founded. But on this part of the subject, when I say that the method had not got into full operation as regards the naval police, I may state the reason why it had not got into full operation, which was, because various events compelled the Government to remove some of the cruisers which were employed as their naval police; they were obliged to remove at one time some of the cruisers on the West Indian station; at another time some of those on the American station; at another time some of those on the African station; and complaints were made to the Government by the Commissioners from time to time that the removal of the cruisers would give a fresh impulse to the Slave Trade, and they entreated that other cruisers might be sent to blockade the coast in the room of those that had been removed. In adverting to the causes which had the effect of removing our cruisers from those stations, I may advert to the operations of 1839 and 1840 in China, which compelled the Government to remove a portion of the squadron from the coast of Africa; in the next place, to the disputes with New Grenada, which, for a time, drew away a portion of our squadron from the West Indian station; and, thirdly, to the necessity of sending a squadron to the River Plate, which took away a portion of the squadron on the Brazilian coast. All these causes of the removal of a portion of our ships, show that our system of naval police was not allowed a fair trial, and that consequently our whole system has never been allowed for any considerable period to be in full operation; that it has not been tried and found wanting: and I am afraid that unless the Government alter all their arrangements of the present system of naval police, it will not be likely to be effectual in accomplishing the object for which it was intended. In the Papers on this subject which have been laid on the Table of the House during this Session, and in the portion marked Class A, there is a Report on our cruisers on the coast of Africa, which is well worthy of attention, as showing the trial which the system of naval police has had. The Report is dated Sierra Leone, 31st December, 1843—it is a curious paper, and one which my hon. and gallant Friend near me (Sir C. Napier) says fully supports the position which he took in this House on the subject of the efficiency of those vessels for the purpose for which they were sent out. It states—

"To the very inferior sailing qualities of several of our cruisers must be attributed the escape of so many slavers, particularly from the coast between Gambia and Cape Coast Castle. Her Majesty's steamer *Soudan*, owing to her inefficient state, has lain at anchor nearly the whole of the year 1843, in the river Sierra Leone. Her Majesty's steamer *Albert*, whose sailing qualities are so bad, that with both sails and steam at their full power cannot exceed five knots an hour, has been cruising in this quarter, but without succeeding in making a single capture. Had these vessels been anchored in the Gallinas and Pongas, they must have prevented a large export of slaves in those two places, and proved a great protection to British traders."

Sir, the fact is, that we have on the African station *Kites* and *Racers,* and *Lightnings* and *Comets,* and various other names expressive of speed—but which are vessels that, nevertheless, can catch nothing. We have *Growlers,* and *Ardents,* and *Thunderers,* and other formidable titles, lying in the harbours of Sierra Leone, in the most profound tranquillity. Unless we have an efficient naval police, our system cannot be tried—unless the coasts are guarded by constables that can run, instead of the old Charlies, we cannot expect to succeed, for the old watchmen cannot be expected to succeed, and we ought, therefore, to have recourse to the new police. The system has not been fairly tried; and it is, consequently, most unjust to say it has been found ineffectual. It is a system, which consists, as I have said, in the first place, of Treaties with Foreign Powers, by which they agree to prevent the Slave Trade within their dominions; secondly, of Treaties provided for the interception of the slave traders off the coast of Africa; thirdly, Treaties with the native chiefs, by which they agreed that they would not sell slaves themselves, and that they would permit us to land and destroy the baracoons on their coast. But here comes a Treaty by which the Right of Search in respect to one of the greatest Powers has been entirely abolished. This has been the result of the late negotiations which led to the appointment of Commissioners on both sides, who should examine evidence respecting the practical working of the Right of Search; and who were to find, from naval officers, I presume, whether the Right of Search, which this House has so often addressed the Crown to uphold, was, in the apprehension of the officers examined, essentially useful for the purpose to which it was intended. Sir, that Commission was appointed, and they did examine certain naval officers, as I am informed, both English officers and French officers—I am informed such officers were examined; but who they were, or what they said, I know no more than any other person who knows merely what he hears in the street, or in any room that he may go into; but I have heard, and I believe it, that those officers did state that they considered the Right of Search was indispensable to render the naval police effective; and it was most natural that they should say so. I cannot tell how any man could come to a different conclusion; and if the Commissioners declared that the Right of Search was not necessary to render the operations of the naval police of any use, then I say that the evidence which has been taken before them, to say the least of it, is in direct contradiction and variance with the result they have come to. I do not see why we should not be informed as to what that evidence was. I do not see any reason satisfactory to the House which the Government could give for refusing to furnish that evidence; and whether they offer a reason for refusing it or not, it is my intention to take the sense of the House on the matter, if they should be inclined to refuse to lay that evidence on the Table. Perhaps the Ministerial answer may be given, that the production of that evidence would be injurious to the public service. I hope the Government will not give such an answer as that; for if such an answer be given, it will not, it cannot, be believed by any living man. What does the evidence contain? In the first place, it may contain a description of the tricks and stratagems of the slave dealers by which they avoid detection: would it be any harm to publish that? Would any man say that the slave dealers do not know their own tricks, as well as the officers who describe them? Can we give them any information on that head? Can any man read the statements on the subject of the Slave Trade, and not see that the officers and surveyors are constantly reporting new shifts and new evasions on the part of the slave dealers, from time to time. No possible inconvenience could arise from laying before us that evidence; on the contrary, it would be a most useful publicity. It would add nothing to the knowledge already possessed by the slave traders, whilst it would put the public at large, and our officers and merchants, in possession of the stratagems of the slave traders, and thus be an assistance to those who would be likely to aid our exertions in counteracting those tricks and devices. It may be that there were certain suggestions given by our officers with respect to the counteraction of the tricks and stratagems of the slave traders; but I deny that laying before us in the evidence any such suggestion could be injurious to the public service. It may be said that the slave traders would be put upon their guard; but I ask will not the slave traders in time find out the plans for counteracting their stratagems

in the same way in which our officers discovered those stratagems? They would clearly find them out without having this evidence; and so far from evil arising from making those suggestions public, I think it would be a public good if it would act as a warning to the slave traders, by showing them that you were acquainted with their shifts, and knew how to prevent them. The third reason which may be assigned is, that portions of the evidence might create personal feelings amongst the officers of the British and French Navies. It is possible, but I think it very unlikely, that officers, from a spirit of nationality, would in their evidence as to the officers and the naval proceedings of another State, make statements which would lead to irritation on the part of those to whom they referred—I think it unlikely that officers, gentlemen who knew they spoke before the Commissioners of both nations—that English and French officers would use unbecoming expressions, or say anything calculated to give unnecessary offence. If the statements made were only facts which would show that, directly or indirectly, any other countries were connected with the Slave Trade—if they tended to show that, directly or indirectly, any British subject was concerned in the Slave Trade, they ought to get every publicity, as that publicity, instead of doing harm, would do a great deal of good; I think this House has a right to know what were the opinions of the officers examined, touching the usefulness of the Right of Search. Here we have a Treaty which abolishes the Right of Search; that Treaty was preceded by the examination of persons knowing the practical bearing of the Right of Search, and we have a right to know whether their evidence and opinions bear out the Treaty or not. And, although it may not bear out the Treaty, and the Government may on that account be somewhat reluctant to produce the evidence which may go to their own condemnation, still I am sure that they will not shrink from the responsibility of their own decision, and that they will feel it to be their duty, on the one hand, to give up that evidence; and on the other hand, to state the reasons, if there are good ones—though I much fear there are not—the reasons which, in spite of, and notwithstanding that evidence, led them to think it right to take the step which they have taken. This Treaty virtually abolishes, now and for ever, the mutual Right of Search between England and France. By so doing, I say that it gives up the most useful arrangement for the accomplishment of that purpose which both England and France professed to desire to accomplish—namely, the abolition of the Slave Trade. I contend that that right has been given up, without our having obtained, as a substitute, any equivalent whatever. I presume that it will not be disputed that the Right of Search is now permanently given up. The new Treaty goes to this—that the Treaties of 1831 and 1832 are suspended for ten years, and that in the fifth year the two parties may concert together, and decide whether these Treaties shall again be put in force or not; that is to say, that, at the end of the fifth year, the parties may consider whether or not they will negotiate a new Treaty, because the putting again in force the Treaties of 1831 and 1832 will, at that period, be exactly tantamount to concluding these Treaties afresh. The Convention further goes on to say that, if at the end of ten years, these Treaties are not again put in force, they will from that time be considered as abandoned. It is very curious to observe how, by an ingenious arrangement of words, of suspension, concert, and Heaven knows what, the French negotiator has so contrived that, at the end of ten years, his country will be wound out of all engagements entered into by the Treaties of 1831 and 1832. I am bound to say that the skill and address of the French negotiator are much deserving of admiration. I only regret that the skill, the address, the dexterity, and the ability which he has shown, were employed in so bad a cause; and one reason why I the more regret this is, that the name of the Duc de Broglie is identified with the efforts made by the two countries to suppress the Slave Trade; because, it was the Duc de Broglie who signed the Treaties which he has been now instrumental in putting an end to. At the end of ten years, unless the opinion of France is entirely changed, and unless France comes back to a desire to engage in a mutual Right of Search, France is entirely out of all her former engagements. I really must say, that it is too much for any man to ask us to believe him serious when he says, as is said in France, that this Right of Search indicates a desire on the part of England

to exercise undue authority on the seas, or that it is an instrument by which we are to exercise some advantage over the commerce and over the maritime force of France. We were no more desirous that our merchantmen should be stopped, visited, searched, and overhauled by French ships, than the French were that their merchantmen should be subject to the same interruption by our cruisers. Inconvenience must have been, and was, anticipated on both sides, and to that inconvenience we submitted, because we deemed it conducive to the great object which humanity had in view. As to its being by any possibility conducive in any way to England's interest, as contradistinguished from the interest which she had in promoting the main purpose which she had in view—the abolishing of the Slave Trade—the assertion is so palpably absurd, that I cannot give credit, even to a slave trader himself, who may affirm that we have been acting upon such a principle. The clamour to which Her Majesty's Government have yielded, in abolishing the Right of Search, is a clamour arising from a conspiracy of slave traders, not only in France, but also in Cuba, Brazil, and elsewhere. We have, in the Papers of last year, a statement that the slave traders of Cuba were raising a subscription to get England abused in the French newspapers. And abroad, many persons were engaged, more or less, in that trade; and the clamour raised is not, I think, a clamour arising out of any real national jealousy entertained by France of England; it is not the result of any abusive exercise by us, of the right which these Treaties gave us—it is a clamour raised for interested purposes, and adopted by a party who made it at one time an instrument against the French Government, and yielded to, through entire weakness, on the part of Her Majesty's Advisers. Weakness, I certainly call it. What is the history of the transaction? The right hon. Baronet said, on a former occasion, that it was the result of a national irritation, occasioned by transactions in the year 1840, in which it was my lot to bear a share. He has been pleased to do me more honour than I deserve, by representing these transactions as mine, and endeavouring to separate me from the Government of which I had the honour of being a Member. Sir, I cannot accept the compliment which the right hon. Baronet has thus tendered me. These measures, it was my duty, from the office which I then held, to be instrumental in proposing and executing; but the measures themselves were the measures of the Government; and the merit of them, if any merit is due to them, is due equally to every Member of that Government. The right hon. Baronet may say again, that the irritation to which he has yielded, was owing, he will not say to my fault, nor will he inquire whether I am to blame, or where the blame is to attach. I have good authority for saying, and so has the right hon. Baronet, that no blame, arising from these measures, can attach to the Government of England of that day. Why, Sir, who approved of these measures? Who approved of the policy pursued by England in continuing, with Austria, Russia, Prussia, and with Turkey, arrangements for establishing an order of things consistent with the maintenance of the peace of the world, and with the preservation of the balance of power in Europe? Who approved of these measures? The right hon. Baronet himself. His Colleague, too—that great and illustrious man, and such I may be allowed to call him in his lifetime without flattery—the Duke of Wellington, openly declared his approval, in the discussion on the Address in 1841, of these transactions, and stated that he entirely approved of the policy which the Government of that day had pursued, and that no one fault had been committed in carrying that policy into execution. The right hon. Baronet was not quite so prodigal in his declarations; but, in the speech which he made on the Address, and which I looked over this morning, there was a studious avoidance of anything like blame—there was, indirectly, an acknowledgment that we had acted rightly; and the only point on which he reserved his opinion was the point as to whether we had sufficiently communicated or not with M. Guizot on the 13th and 14th of July. But, with respect to the policy pursued by the Government, I maintain that it had his approval. It had the approval also of the noble Lord now at the head of the Foreign Department, the approval of the Duke of Wellington, and, I believe, the approval of the rest of his Colleagues. If that be so, is it fair, by insinuation, by question, by disclaiming all intention to inquire—is it fair, I say, to lead other

people to suppose that he thinks we were to blame? He says, he won't inquire where the blame rests; but, by thus hesitating, does he not imply an opinion which he does not entertain? The policy which is thus impugned by implication might, and did, create for a moment a very unnecessary irritation in the public mind of France. I most deeply regretted that such should have been its result. But, nevertheless, the object obtained was so important, its importance was so great, in reference to permanent, peaceful relations between England and France, that I thought the temporary irritation in France not too dear a price to pay for the solid and permanent advantages of that policy. That policy was not the cause of the abandonment of the Right of Search, because, after the irritation spoken of had subsided, after the operations under the Treaty had been completed, it was frequently declared in the French Chambers that, in the course of these transactions, we did not give offence to France; and after the Government of that day had gone out, and their more conciliatory successors had come into office, the French Government signed the additional Treaty of 1841. When I say that weakness was shown by Her Majesty's Government, in submitting quietly to the refusal of the French Government to ratify the Treaty of 1841, I am ready to prove my assertion. When it was found that the Government submitted quietly to such a breach of obligation, the opposition in the French Chambers urged the French Government to go a step further, and to require the abrogation of the Treaties of 1831 and 1832. What was, then, M. Guizot's reply? He refused, and I will tell you why. He said—

"If I made such a proposal to England, it would be one which I have no right to make, and which would be met with a peremptory denial: to be so met would be a humiliation, and I will not expose myself and the French Government to be so humbled by a Foreign Government."

The Chambers took that answer for the time, and there is no denying that it is a good one. In the course of the following year, the Chambers and the Government found that Her Majesty's Government was not so denying and peremptory as M. Guizot had at first imagined. Many transactions, which I will not detail, of that year, showed him that, if sufficiently pressed, it was possible to find them more yielding. Next year, when he was again pressed to make the same proposal, as he saw his way, he determined to do it. He did not then, as before, anticipate a peremptory refusal. From that time negotiations followed, and they have ended in the entire abrogation of the Treaties of 1831 and 1833; and, as I contend, without any equivalent having been given in their stead. But I shall be told that there is an equivalent—that the equivalent, substituted for the mutual Right of Search, is the employment of two squadrons, of twenty-six vessels each, the one French, the other English, on a certain portion of the west coast of Africa. The Right of Search was more extensive than this. It extended to wherever the Slave Trade was carried on, or nearly so. It embraced the West Indies—the coast of Brazil—the western coast of Africa; it extended around the island of Madagascar, and applied, therefore, to a certain degree, to the east coast of Africa also. The operations of the substitute are to be limited to one portion of the west coast of Africa. Therefore, in territorial extent, I say, you (the Ministers) have not got an equivalent for what you have given up. But we may be told to look at the number of vessels to be employed, and find in that an equivalent. The two countries are to have twenty-six vessels a piece, making fifty-two in all. Now, I called for a return to show what was the number of vessels which, in each half year for some time past, were armed with warrants for the suppression of the Slave Trade—of French vessels armed with English warrants; and English vessels armed with French warrants; and it seems, taking an average of the number of warrants outstanding from the 1st of January to the 1st of July, from 1840 to 1845, that is to say, for ten half years, that there were fifty-two French vessels in possession of English warrants, and fifty-four English vessels in possession of French warrants. ["Hear!"] The right hon. Baronet may say that some of them belonged to vessels which had just returned, and which had not yet given up the warrants. I will, therefore, make an abatement of some of them. There is room to do so, because whereas by the present Treaty there are fifty-two vessels to be employed, 106 warrants were outstanding under the former arrangement. That is, double the number

of vessels stipulated to be employed by the present Treaty; so that if I give him half, which is much more than a proper allowance, still the result will be that we have not gained by the new arrangement any additional force for the purpose in view. But the fifty-two vessels now to be employed, will not be worth fifty-two vessels under the old plan. These fifty-two vessels will be mutually powerless, to a certain extent, with regard to the English and French flags, only one-half of them being invested with any power. Your French cruiser cannot examine anything but French ships, except, perhaps, those of Denmark and Sweden: it is perfectly powerless with regard to England, Spain, Portugal, and Brazil. None of these four flags will it be able to stop, even if it finds the ship crowded and crammed with slaves. The French have no Treaty with Brazil, Spain, and Portugal; and I should like to know whether the French Government, after having got us to abrogate the Right of Search, will now go and propose entering into such a Treaty with Spain, Portugal, or Brazil? If they do not, their cruisers are of no use, except for the French flag. What, then, will happen? Slavers, as is stated in the Papers on the Table, are in the habit of providing themselves with the flags and papers of different countries. These flags and papers may be had for a few dollars, in various parts of the world. What then, I repeat, will happen? A slaver comes out of a river or a bay on the coast of Africa—she meets a French cruiser, and thereupon hoists the English flag—the cruiser sends a boat to board and examine her; an Englishman is on board, who acts as captain, and produces the papers. They are, apparently, in perfect order—there may be slaves on board, but the French cruiser can do nothing—the officer wishes the captain good morning, and a fine passage, and goes back to his cruiser, and the slaver proceeds on her voyage. She next comes in contact with a British cruiser. By that time she has hauled down her colours, which she does not show again until a shot is fired ahead of her. Under these circumstances, when that compliment is paid her, she hoists the French flag. An English officer goes on board, and, with all that politeness which he is properly instructed to use, requests the captain to show his papers; and—like the show box, which puts forth a man or a woman, or like the barrel which furnishes a glass of ratafia or brandy, as may be desired—this time a Frenchman makes his appearance, as captain, and French papers are produced. The ship, for the time, is French. There are slaves on board; but the English officer, in his turn, wishes the captain good morning and a fine passage, returns to his ship, and away goes the slaver unmolested as before. She then arrives upon the coast of Brazil, and acts the same part. If she chances to meet one of the French cruisers she is again a Brazilian, a Portuguese, a Spanish, or an English ship, just as she pleases, for she has her choice. She cannot, therefore, be molested, and in she goes and lands her cargo. I say, then, that even within that portion of the coast of Africa to which your new Treaty is limited, that Treaty is inefficient as compared with the system which was previously adopted, and which is now given up; and, unless your cruisers can go about chained together, like the Siamese twins, hunting in couples, it is impossible that, under the new system, many ships will not escape, which, under the former arrangement, must necessarily have been captured. But then, why, I should like to know, if the French Government is as sincere as it professes to be, are its engagements limited to the west coast of Africa? Why are they not extended to the West Indies? Why not to the coast of Brazil? Is it that the late alliance between the royal families of France and Brazil has rendered more deference desirable on the part of the French Government towards the Government of Brazil? Is that the reason why the Brazilian coast is not included in the recent arrangements? Why, again, do these engagements not extend to the east coast of Africa? There are upwards of 2,000 miles on the west coast, along which the Slave Trade is carried on; but there are also about 1,700 miles on the east coast along which the same trade is now carried on; and I lay my life that if the Treaty be successful as to that part of the coast to which it applies—if you drive the Slave Trade altogether from the 2,000 miles on the west coast, which I do not think you will, though I hope you may, you will only drive it to the east coast, where it will flourish along the extent to which I have alluded; thus succeeding in merely transferring it from one point to the other,

by which its horrors will be multiplied, the voyage will be lengthened, and the sufferings of the captive slaves greatly increased. Why do I say this? Because we have evidence now, that the Slave Trade is, and in former years has been, to a great extent, carried on along the east coast of Africa. I say it, moreover, because it appears from these Papers, as I have already stated, that the French Government have lately concluded a Treaty with the Imaum of Muscat, by which they are to be enabled to engage, as it is said, free labourers, but really to hire slaves to carry to the island of Bourbon for the purpose of cultivating the soil there. It is said that these slaves are to be employed as free labourers in a Colony in which slavery exists by law. It is also said, that after a certain period of time, they are to return to their native country, and to carry back with them the earnings of their labour, and the benefits of the civilization and the knowledge which they have acquired. This pretence is, fortunately, too palpable to deceive any man. Free negroes you may call them; but when they are carried to a slave Colony, they will be as much slaves as any of the slaves existing there before: by law, they will be just as much slaves as those already in the Colony, as much slaves—and more I cannot say—as the unhappy Emancipados in Cuba and Brazil. As to their going back again to their native country, it is possible, for aught I know, that their spirits, when they are once freed by the merciful hand of death from their sufferings, may be permitted, in passing to their future destiny, to cast a passing glance at the place of their birth—at what was once their home; but as to the idea that in the body they are ever to go back alive to their native country, the notion is too absurd for the most credulous to believe it. I should like, now, to know how you are to reconcile that Treaty of the French Government with the Imaum of Muscat, with the Treaty which we have entered into with the same personage, by which he bound himself not to permit his subjects to deal, within certain limits, in slaves with any Christian Power? I hold that those two Treaties are completely at variance. I am sure Her Majesty's Government will not take their stand on the quibble that the negroes to be imported into the French Colonies are to be engaged as free labourers. The mere stipulation that the French are to hire slaves, intimates that those negroes will still retain the character of slaves after they have reached the Isle of Bourbon. But does the House know what is the character of the Slave Trade which this Treaty of the French with the Imaum of Muscat is calculated to encourage? The French will buy their slaves at the Island of Zanzibar; and the slaves are taken to that island in small coasting vessels. We have heard a great deal of the horrors of the middle passage; we have heard of the sufferings of the negroes carried from Africa to America, and of the horrible tortures they endure in the slave ships; but does the House know what are the sufferings of those wretched negroes who are carried to the slave market at Zanzibar? Sir T. F. Buxton tells us that the Arab dows, or vessels, which carry these slaves coastwise to Zanzibar, are

"Large unwieldy boats, without a deck. In these temporary platforms are erected, leaving a narrow passage in the centre. The negroes are then stowed in bulk, the first tier being laid along the floor of the vessel, two adults, side by side, with a boy or girl resting between and upon them, until the tier is complete. Over them the first platform is laid, separated—"

We have often heard of the interval between decks in slave ships, being small; but what will the House think of this method of stowing human beings?

"Over them (Sir T. Buxton proceeds) the first platform is laid separated but an inch or two from their bodies, when the second tier is stowed in the same manner, and so on, until they reach the gunwale of the vessel. They calculate that the voyage will not exceed twenty-four, or, at the farthest, forty-eight hours."

Such was the description; and let the House conceive the sufferings, even for twenty-four hours, of human beings, placed in a hot climate in this position? But the description proceeds:—

"It often happens that a calm, or unexpected land-breeze, delays their progress; in this case a few hours are sufficient to decide the fate of the cargo; those of the lower portion of the cargo that die cannot be removed They remain until the upper part are dead and thrown over, and, from a cargo of from 200 to to 400 stowed in this way, it has been known that not a dozen, at the expiration of ten days, have reached Zanzibar."

This is the trade which the Treaty of the French Government with the Imaum of

Muscat is about to encourage and increase. This is the trade which a Government professing to co-operate with us in an anxious desire to suppress the Slave Trade, will, by that Treaty, encourage and promote on the eastern coast of Africa. I need not ask you why it was that the French Government did not extend the operations of their suppressive squadron to that coast. By the stipulations of the Treaty we concluded with the Imaum of Muscat, he bound himself not to permit his subjects to sell slaves to any Christian Power; and we obtained additional powers for searching his vessels found at sea and engaged in the Slave Trade. In one of his letters, contained in the Papers laid before the House, the Imaum says—

"I agree to that; I make a great sacrifice of revenue by consenting to abolish the Slave Trade with the countries bordering on the Red Sea; but do not ask me to give up the Slave Trade that comes coastwise along the shore."

That is, the Slave Trade of which I have just read a description. The Imaum says—

"To give up that trade would be more than, with my pecuniary losses, I could bear; and I pray you not to press the request."

There is in the Papers laid on the Table last year a very curious and diverting letter from the Imaum, in answer to a communication from Lord Leveson, pressing him to abandon the Slave Trade, in which the Imaum says, "It is the angel of death that has appeared to me; but I submit to my fate. It is the will of God, and I have no choice." [Sir *R. Peel*: Will you show me that in the Papers?] Here it is, [said the noble Lord, handing the Papers over to the right hon. Baronet, pointing out the passage to which he referred:]—The Imaum sent over to this country a Minister, who was most kindly received by the present Government; and, in a subsequent communication, the Imaum says that the manner in which the representations of that Minister were received, had greatly relieved his mind, and had brought him to life again. The Imaum, in answer to the application to abandon the Slave Trade altogether, expresses his readiness to give up—though at a great pecuniary sacrifice—his Slave Trade to the Red Sea and Egypt; but he begs and entreats that he may not be compelled to give up the Slave Trade along the coast, from which he derives a large portion of his revenue. His request was complied with; but he was told—and it appears in these Papers—that it would look better if that exception in favour of his coastwise Slave Trade were to appear to be a reservation made by him, rather than by the direct sanction and permission of the British Government. I quite agree in that opinion; although, after all, there is but little difference between the cases; but I really do wonder how it happened that with these Papers before them, and with the statements I have read, of which they might have a knowledge, Her Majesty's Government should have thought it right not to persist in requiring the abandonment of this coasting Slave Trade. I cannot imagine how it happened that they did not insist that the Imaum should, at all events, make certain regulations for the conduct of this Slave Trade. Why did they not insist that he should make a law, fixing the number of negroes to be conveyed by a vessel, in proportion to its tonnage, so as to mitigate, in some degree, the horrible atrocities of the trade as it is now carried on? Such a regulation would have been for the interest even of the Imaum himself; for his revenue arises not from the dead bodies which are thrown overboard, but from the slaves who are safely landed. Sir T. Buxton says:—

"On the arrival of the vessels at Zanzibar, the cargoes are landed; those that can walk up the beach are arranged for the inspection of the Imaum's Officer, and the payment of duties—those that are weak or maimed by the voyage are left for the coming tide to relieve their miseries."

The Imaum derived his revenue from the able-bodied slaves who can walk up the beach, and not from those who are thrown overboard on the passage, or who are left on the beach to be swept away by the coming tide. I think that Her Majesty's Government have been guilty of great neglect in this matter, in not requiring some decent regulation of the trade, if they thought proper to abstain from pressing the Imaum to give it up altogether. I say, then, that this Treaty omits to provide any precautions for the suppression of the Slave Trade on the eastern coast of Africa, on the coast of Brazil, or in the West Indies; and that it is deficient in its provisions with reference to the western coast of Africa, to which only it is intended to apply. But this Treaty contemplates opera-

tions by land; it provides that Treaties shall be made with the chiefs, and that, if it should be necessary, operations are to be carried on on shore for the purpose of enforcing those Treaties. To show Her Majesty's Government that I am not now speaking in any spirit of party feeling, I will say that I am glad to see these portions of the Treaty—and for two reasons. In the first place, because they contemplate a renewal of those operations by land for the destruction of the baracoons, and of those endeavours to engage chiefs by Treaty to give up the Slave Trade which we made in 1841 — measures which, as I think, are eminently conducive to checking the Slave Trade; but I think that these provisions will have another effect most advantageous to England and France, and most likely to promote a permanent good understanding between the two countries. Great complaints have recently been made of some proceedings of the French Government in multiplying their settlements on the coast of Africa, and, where those settlements are established, of excluding, as it is conceived, British commerce. The French people entertain a similar jealousy of the multiplication of our settlements. I consider this Treaty as binding both countries to abstain from making any further settlements on any part of the coast of Africa included in the limits prescribed by the Treaty — fifteen degrees north, and sixteen degrees south. The Convention provides that Treaties shall be made with the native chiefs, and that those Treaties shall be exclusively confined to the suppression of the Slave Trade; that such Treaties, when concluded by an officer of either country, must be approved by the Representative of the other Power; and that no operations on land are to be undertaken in virtue of these Treaties, except with the consent of both parties. Now, I think, any compact which tends to leave that part of the coast of Africa intact, and prevent either party from encroaching to the detriment or exclusion of the other, must tend to benefit the commerce of both nations, and to prevent occurrences—such as those in the river Gaboon—which might tend to disturb the harmony existing between the two countries. But there is one stipulation of the Convention which I really do not understand. It is said in Article 3—

"The Officers of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of His Majesty the King of the French, having respectively the command of the squadrons of Great Britain and France, to be employed in carrying out this Convention, shall concert together as to the best means of watching strictly the parts of the African coast before described, by selecting and defining the stations, and committing the care thereof to English and French cruisers, jointly or separately, as may be deemed expedient; provided always, that in case of a station being especially committed to the charge of cruisers of either nation, the cruisers of the other nation may at any time enter the same for the purpose of exercising the rights respectively belonging to them, for the suppression of the Slave Trade."

This seems to me to draw a distinction between cruisers and merchantmen. It seems by this, that when there is a cruiser of one nation stationed at the mouth of a river, or in the bight of a bay, that no merchantmen of the other country can come in, for the purposes of its legitimate trade; because it is said, that when the cruiser of one nation takes its station, it may be lawful for the cruiser of the other nation to enter the same, "for the purpose of exercising the rights respectively belonging to them, for the suppression of the Slave Trade." Why put in that at all? Is it meant that the cruisers should establish a belligerent blockade? It is not the best means of watching the coast: it does not contemplate hostile operations. It is part of a general system that is to be in operation; and yet you say, that when the cruisers of one nation are watching the Slave Trade, that you stand in such a position as to require a special stipulation in your Treaty, to enable the cruisers of one nation to enter the same place where the cruisers of the other are stationed. It appears to me, that unless you can give a sufficient explanation to that Article, that by implication merchantmen are excluded from entering the place where a cruiser is stationed. I hope that the right hon. Gentleman will be able to explain that. I say that such is an objectionable arrangement; and that the result is, that you have given up rights which, I contend, were proved by numerous facts to be essential, useful, and proper; and that you have got no proper equivalent in lieu of them. I own, too, that I have an objection to the form in which this Treaty appears. It is one that I very much regret to see. The preamble states—

"Her Majesty the Queen of the United

Kingdom of Great Britain and Ireland, and His Majesty the King of the French, considering that the Conventions of the 30th November, 1831, and the 22nd March, 1833, have effected their object in preventing the use of the English and French flags in carrying on the Slave Trade; but that this odious traffic still exists, and that the said Conventions are insufficient to ensure its complete suppression."

Is it meant then—has a British Plenipotentiary been found to put this upon record—that the British flag has been used for the purposes of slavery—that such a practice prevailed, and that it was put an end to by the Treaty of 1831, and by the action of French cruisers? I say, Sir, it is a foul calumny on the British nation. The British Slave Trade was put an end to by the laws of England long before your Treaty of 1831 or 1833. The Slave Trade of France was put an end to by the Treaties of 1831 and 1833. If it were thought uncivil to France to record that fact in the Treaty—if it were thought unhandsome to remind France how recently she had ceased to take part in the traffic, then you should have omitted all mention of the subject—you should have suppressed it altogether; but never would I have put my hand to an implied falsehood which casts dishonour on my country—never consented to that, which, by implication, would affirm that the Slave Trade had been carried on so lately by this country, as in 1831 and 1833, and that the Treaty with France had prevented the abuse of the English flag. I say, that it was unworthy of a British Minister—of a British Plenipotentiary, whether a Minister in or out of office, to have given his signature to such a statement—and nothing more astonishes me, than that this should be done by one of the persons who has put his name to such a falsehood—falsehood by implication—and a calumnious imputation upon his country. Then there is Article 9. What does Article 9 say? It says—

"Her Majesty the Queen of the United Kingom of Great Britain and Ireland, and His Majesty the King of the French, mutually engage to continue the prohibition for ever of all Slave Trade in the Colonies which they possess, or may hereafter possess; and also to prevent, as far as the laws of each country shall permit, their respective subjects from being engaged, directly or indirectly, in this traffic."

How could any man read that Article, and not imagine that slavery still existed in the British Colonies? because to say that you will prevent the Slave Trade in Colonies where no such thing as slavery exists, is a gross and palpable absurdity. What is the meaning of that? The meaning of that is, that there is such a disposition in the British Parliament and British nation to re-enact slavery, and to legalize the Slave Trade, that it was necessary for the Crown to interfere, and enter into an engagement with France, declaring that the powers of the Crown should be exercised, and the honour of the Crown pledged to prevent the Parliament and the country from pursuing so disgraceful a course. This, I say, is an insult to Parliament, and an insult to the people of England. And if the former passage is a gross calumny on the country, I say that this is a childish insult to Parliament; and never would I have put my hand to these two passages. I must express my astonishment that the Government should have permitted their Plenipotentiary to put his hand to two such passages as these. These are my objections to this Treaty; and I think it shows on the part of the Government indifference to the subject of the Slave Trade, and a weakness in dealing with Foreign Powers, unworthy of the Government of this country. Nor are these two defects confined to this Treaty. I read, with some pain, and, I may add, I really felt some difficulty and reluctance in going through those Papers—the Slave Trade Correspondence of last year which has been laid on the Table. In many parts of it I was tempted to throw the book away in which it was contained. I must remark that they were somewhat delayed in their appearance; and I think they might as well have been produced earlier, and at the same time, perhaps, less bulky in form. In the first place, I may say, that according to the time they have been produced, the despatches dated last January will, according to the mode adopted with respect to them, not be laid before Parliament before the month of June next year. I think they might be produced nearer the time at which they were written; and I may also observe that whole passages are taken up with letters that are on matters of form, such as returns relative to ships' warrants. I think shorter entries of them might have been made; for the bulk of the volume is calculated to discourage persons from reading it. I say, that these are of a nature to deter persons from reading the correspondence; but to any one who has read it, there appears a great indifference

on the part of the Government, and even a great apathy. I think that they prove the most erroneous concessions made, and the lowest tone adopted in dealing with every Foreign Power with which the Government is brought into contact. I am not going to weary the House with many details; but the instance of one or two examples will be sufficient to demonstrate what I mean. We have, by Treaty, Consuls and Commissioners in almost every slave-dealing country. We have for instance, a Consul at the Havanna, and a Slave Trade Commissioner. Our Consuls General, in many parts of the world, are our sole Ministerial Representatives. Be he whom he may, every Consul is entitled to make to the authorities on the spot, and he is there to make, by virtue of his power, representations for the protection of British subjects and British trade, and to take care that the rights of this country are not violated. Then there are our Slave Trade Commissioners; they are intrusted not merely to adjudicate upon the cases that may come before them, but to make representations of all infractions of Treaties that may come to their knowledge. They were ordered to do that by myself; they were ordered to do that by my successor. The Consul General at the Havanna, and the Slave Trade Commissioners were continually, it appears, obtaining knowledge of contraventions of the Slave Treaties—of the landing of negroes—of the sale of slaves, of the arrival of negroes—of the detention of British subjects, who were not slaves—of the ill treatment of the *Emancipados*—of those entitled to their freedom, but treated as slaves. They were in the habit of making communications to the Governors of Cuba to this effect; and good Governors were obliged to them for the information, and acted on it; and bad Governors, who were the most numerous, were in the habit of thanking them too, but telling them that theirs was inaccurate information, and they might set their minds at ease on the subject; but still they always treated the Consuls civilly. Lately, however, there came General O'Donnell, a gentleman who thought that the Government of Cuba ought to contribute to the rapid accumulation of his fortune, and he therefore determined to go at once head over heels into the corrupt practices of his predecessors. He took slaves without stint; he took so many dollars a-head for the value of the slaves which were imported in violation of the Treaties; and he refused to be troubled on the subject. I find that these representations of the Consul General and of the Slave Trade Commissioners were very irksome; and it is very probable that for all these there was a lithographed answer; but still these representations were constant—they made a noise. General O'Donnell looked into the old Records, and he found an obsolete Proclamation of 1760, by which it was declared that the Consuls General in Spanish Colonies should only act in their commercial, and not in their diplomatic capacity; and being for a strict adherence to Treaties, he thought that the Commissioners who had to adjudicate should confine themselves solely to their judicial duties—that they had not to inquire as to negroes landed, as to ships going to Africa, and returning from it. He told them, therefore, that he was very sorry; but they had better not write to him, because they had no right to interfere in these matters. They wanted only to perform their duty; and how necessary it was for them to do so, is proved by the case of the unfortunate Consul at St. Jago de Cuba, who, in writing to the Foreign Office for instructions, received a severe reprimand—there was conveyed to him "the censure," for that was the word employed, "the censure of Her Majesty's Government," for even doubting on this subject, and for not having made at once representations to the Governor of the province. The Consul General, and the officers of the Mixed Commission, did make such communications. At last the Governor, finding these communications constantly coming to him, very civilly returned the letters. On the next occasion they wrote, and the letters were again returned; and so it goes on—the unfortunate Consul and Commissioner are placed in a situation most repugnant to their feelings. They are subjected to degradation. They beg to be restored to that footing on which they ought to stand. At once our Government takes the matter up. It writes a strong letter to Madrid, and desires that orders may be given to the Governor of Cuba, not only to receive these letters, but to act on them. The Government at Madrid seems to have a great respect for its Cuba Governor. In answer to the peremptory demand that orders should be given to the Spanish Governor, the Government of Madrid says that it will give no such orders—that by an old custom of Spain, Consuls have no such right in its Colonies as that claimed for England—it

says that Governor O'Donnell has acted perfectly right—and then, mixing with this declaration some uncivil language to England, it comes at last to this result, that when the Consul General, or the Member of the Mixed Commission, should find out that negroes had been landed at Matanzas, within a very short distance of where they were placed, and where the negroes are sold, instead of telling that to the Governor, and so having an immediate inquiry, the Consul General should write to London; that the Foreign Office should then write to Madrid; and then those in Madrid should write to Cuba; and then, upon the letter at last getting back to Cuba, he might at once say—"Oh! this is false—this happened a year ago—it is impossible any such thing can have happened—there can be no ground for making such a charge." To such a proposition as that there was a ready answer, if any answers were given to the Spanish Government; but no reply appears from these Papers. I presume, then, that the Government acquiesced in this refusal; that they have assented to that for the neglect of which the Consul at St. Jago de Cuba was censured. I presume, then, that the Government has submitted to that great alteration in the international usages of Europe. And as it is proper that the Consul General and the Member of the Mixed Commission should not make communications of this kind—if that is the notion, then at least it is the bounden duty of the Government to tell the Consul General and the Mixed Commissioner to withdraw by a formal order from displeasing General O'Donnell. There is nothing, indeed, said of it in this book; and, for aught we know, they are still going on sending, week after week, letters to the Governor General, who civilly answers them that he can receive no communication from them; and thus are they both left, exciting contempt for their position, suffering indignities, and becoming the laughing-stock of the whole island. This is one thing that appears by this book. The Government abandons its first demand, and its servants are left to submit themselves to the goodwill and pleasure of the Government of Spain. Passing from Cuba to Surinam, a great number of British-born subjects have, at different periods, been carried into Surinam, and detained there in slavery, contrary to the existing law. Their number is stated to amount to five or six thousand. I have stated before that these persons were entitled to their freedom. The Queen's Advocate says the contrary. I say that his opinion is wrong. It may appear to be presumptuous in me to differ from any one who has devoted himself to the study of the law; but I say his opinion is bad in law, as much so as it is bad in theory and essentially unjust. These negroes were illegally carried out of a British Colony to the Colony of a Foreign Power. If they had remained, as by law they were entitled to remain in a British Colony, they would at this moment be in the possession of their freedom. I say it is not just that British subjects should suffer from an act in which they had no share whatever, and of which they were the unwilling and unfortunate victims. A demand was made as to an inquiry into cases of this sort. Our Commissioner at Surinam made an application to the Dutch Governor. This gentleman, Mr. Elias, appears to have been more civil and less money-making than General O'Donnell. He, too, thought applications irksome; perhaps he had heard of what had occurred at Cuba. He did not return the letters. He first wrote an answer to say he would take no notice of them, and the Commissioners' Judges persevering in writing letters, they were left unanswered. The Commissioners complained of the great indignity that was put upon them. They wrote to the Government at home for support in the performance of the duties imposed upon them. On this our Government wrote to the Government at the Hague to demand definite instructions. The urgent demand subsequently declined into an earnest hope, and our Government went on hoping through a whole year, during which it was unable to extract even a verbal answer. In Cuba our letters are sent back unanswered, and the Government at Madrid refuses to give orders to its Governor to attend to them; in Surinam, our letters are received in silence, the Government of the Hague treats Downing Street in the same way. Indeed, these negotiations with Spain prove, that so long as Governor O'Donnell remains at Cuba, all chance of a fair and faithful execution of Treaties is hopeless. At the present moment the evil is undeniable; and for that very reason it appears that General O'Donnell has been continued at Cuba, and, I believe, is likely to remain there. I need not trouble the House to go further to show the feebleness in remonstrance, and the want of vigour that has been displayed in making representations, in the submission to the unjust decisions of the French Government, and the apathetic indifference

to those great matters which have so long engaged the attention, and excited the wishes of Parliament and the country. The right hon. Gentleman will probably tell me, "If you think so ill of the Government, if you consider it so little in earnest in the performance of its duty, why not take the sense of the House on the subject?" I know, Sir, very well that the Government has a majority of 100 when the House is full, and a proportionate majority when the House is less full. I perfectly well know if I were to propose a Resolution, that it would be negatived by a large majority. I do not see that it is necessary for me to please the Government by moving a Resolution for the purpose of its being negatived. I do not, Sir, address these matters to this House. I know full well that no arguments of mine could change the opinions of a majority of this House on a question involving the conduct of the Government. Sir, I address myself to the people of this country —I now address myself to the nation. I am quite sure that the feelings of this country are the same now that they long have been on this subject of the Slave Trade. I am quite sure that there is no abatement in their zeal, no diminution in the desires of the people to put it down. I would beg, if it were not so—I would beg of the people of this country to consider the lessons that history teaches. I am quite sure that if you look to the actions and fate of individual men, that you will sometimes find that evil does not meet with its appropriate punishment here. It is, however, the exception:—

> "Rarò antecedentem scelestum
> Deseruit pede pœna claudo."

But, though there may be exceptions as to this rule, and in another state of being individuals are made accountable for their deeds on this earth, with nations it is different. The life of nations is mixed up with the arrangements and dispositions of this world; and history teaches us that the crimes of nations never fail to meet with their appropriate punishment. The superficial, when they read of the worst state of a nation—of tyranny within, of invasion from without—of murders, of massacre, of the devastation of towns, of the destruction of villages, of all these horrors accumulated upon each other—may ascribe these to immediately preceding circumstances; and in their shallow views, may seek to connect them as cause and effect; but the more philosophic will look at these things in another aspect—will trace out in the calamities that befall a nation, the punishment of its former offences, and the just visitation of its former crimes. I do not ask of the people of this country to suppose that it is permitted to them to open a species of debtor and creditor account on these matters, for the good they have done, and the evil they have permitted; but I say this, that as men, they have duties to perform; that those duties do not consist in merely abstaining from evil, but in doing as much good as they can; and that from those who have great power, and are possessed of great influence, the more is to be expected as to the good within their power to achieve. This country stands in a pre-eminent position; and great, therefore, is its responsibility on this subject. This country has great power and political influence for the accomplishment of this great object. We not only possess great means, but we are invested with great rights, which we have acquired by Treaties; great rights, which we are bound to enforce to put an end to this monstrous and calamitous traffic. I say, that the people of this country will not perform the duties that belong to them as responsible men, if they do not urge upon the Government—if urging it requires—and if they do not encourage the Government—if encouragement be wanting—to enforce all the means that exist, and to exert all the legislative powers and influence of this country, to compel the enforcement of those rights; the rights that by Treaty have been acquired for the purpose of extinguishing this diabolical crime. The Government should be supported heartily, if it require support, and it should be urged, if it require pressure, by the people of this country, to take those steps, which it can do without any danger to peace, and without any peril of failure, which it is authorized to take, and has the power to take, and it is its duty to take, to put an end to this abominable and accursed Slave Trade.

Sir *R. Peel:* Sir, towards the close of the speech of the noble Lord, he gave us the very unnecessary information, that it was not his intention to propose any Resolution by which the opinion of the House would be taken as to the policy of the late Treaty with France on the subject of the Slave Trade. Sir, I greatly doubt the soundness of the policy of the noble Lord. If he has a strong opinion upon the subject, I think he ought to have disregarded

the probability of his being in a minority. It is not a question whether the Resolution is to give me a triumph or not; but I think it was a more correct course, which men who have stood in the position of the noble Lord have taken, who, entertaining strong feelings on a question, have disregarded the probability of their being in a minority; but, for the purpose of producing an effect upon public opinion, they have recorded their opinions, and have not contented themselves with Motions for the names of witnesses, or the evidence taken in a case. That is not the course of men who have strong feelings upon a subject; and as the noble Lord was discourteous enough to inform me, in the course of his speech, that whatever I might say, he would not give credit to it, I am justified in informing the noble Lord that I do not believe the reasons he has given for not bringing forward his Resolution. I believe it was not the knowledge of the small minority that deterred the noble Lord—it was because he knew that on this question many of those who concur with him in general politics would be sure not to agree with him in his condemnation of the Convention lately signed between this country and France. I believe it will be found that many are of opinion that we have made no compromise of the honour, no sacrifice of the interests of this country; that we have done that which I shall attempt to show, if our object is to suppress the Slave Trade, will be a better instrument for the purpose than the Convention signed by the noble Lord. I shall not adopt an apologetic tone. I shall not say that in the circumstances of the public feeling of France, we were obliged to sacrifice this and that minor point. I shall demonstrate that the Convention which has been recently signed, presents a better prospect of cordial co-operation of the second great maritime Power in Europe with us in the suppression of the Slave Trade, than if we had refused to agree to this Commission, and rested on the Treaty of 1834. I rest my defence of this Commission not on the deference that was due to the excited state of public feeling in France. I consider it a cause of congratulation that we have substituted an efficient instrument for one that, in the present state of feeling in France, never could have been made efficient at all. I consider it no matter of apology but of congratulation, that we have now a better prospect of suppressing this odious traffic than any that has opened upon this country of late years. Allow me, Sir, before I come to that which is really the subject matter of controversy between the noble Lord and myself—allow me to state in what respect I agree with him. I agree with him, in thinking that it would be unfortunate if this country were to relax in its efforts for the suppression of the Slave Trade. It would be difficult to calculate the results of a total forbearance on the part of this country, and, of course, on the part of every other, from making vigorous efforts for the suppression of the Slave Trade on the coast of Africa. I believe that the trade would be increased in a very great degree: and when we look at the success which our former efforts have achieved, we ought not alone to look at the good we have accomplished; but we ought to bear in mind the extent of the evils and the calamities we have prevented. I am not sure if I concur with the noble Lord in thinking that the suppression of the Slave Trade would lead to the suppression of the status of slavery. I agree with the noble Lord in thinking that the suppression of the Slave Trade would have a material effect on the amelioration of the condition of the slave. If we could impress upon the mind of the slaveholders the knowledge that they would not have the means of increasing the number of their slaves by foreign supply, then, not from humane motives, but from the sordid motives by which slaveholders are actuated, they would provide better treatment at least for their female slaves, and possibly an amelioration in the condition of slaves in general. I wish to remind the House, that though the United States have suppressed the Slave Trade, yet slavery is still in existence in that country; and I do not believe that the extinction of the state of slavery in the United States will ever arise from the mere suppression of the Slave Trade. It may, and I believe must increase the attention of slaveholders to the breeding of slaves; but the mere suppression of the Slave Trade will not destroy slavery. I look to the extinction of the status of slavery in the United States with confidence, from the contact which the slaves are brought into with freedom, in the degree of illumination and knowledge which they must thence derive: but, above all, I can never believe that our example, and the condition of the free labourers in the West Indies, which must become known to them from the increasing intercourse which is sure to take place between those

two parts of the world, our Colonial possessions and the United States—I can hardly believe that, with such an intercourse as this, slavery can stand as one of the permanent institutions of the United States. I regret to hear the tone and temper with which the noble Lord spoke of Portugal. I believe that Portugal is now zealous and cordial in co-operating with us for the suppression of the Slave Trade. The mere observance of the Treaties might be all that we could require; but it must be obvious that much of the success of those Treaties depends upon the cordiality with which they are gone into; and from the recent experience we have had of the conduct of Portugal, I think it is scarcely right of the noble Lord to say that all their cordiality is owing to compulsion. I think that by the removal of governors who were unfavourable to the due execution of the Treaty—by the promotion of naval officers who had shown a desire to carry out the Treaty—Portugal has shown a desire cordially and freely to concur with us. I trust the House will feel that the position in which I stand in replying to the noble Lord, without having had any precise notice of the object of his Motion, is one of some difficulty; because the correspondence to which the noble Lord has referred was not immediately conducted by myself. Of course upon all material points connected with the Slave Trade, I may be presumed to be informed; but the noble Lord has ranged through several volumes of the correspondence, going from one year to another, which makes it difficult for a person who did not himself conduct the correspondence, to answer him upon every point. The noble Lord has referred again—for I shall dispose of these matters before I come to the main point—the noble Lord has referred again to the negroes in Surinam. The noble Lord, with his usual complacency, and, perhaps, with a justifiable confidence in his own opinion, says "it is true that the Queen's Advocate has given a legal opinion, but I will venture to say that it is wrong in point of law." Now, without wishing to undervalue the legal skill of the noble Lord, it is clear that the Queen's Advocate is the person whom we ought to consult. [Viscount *Palmerston*: The Law Officers of the Crown.] The noble Lord says, as both have been consulted, that the law both of the Law Officers and of the Queen's Advocate, is wrong. The noble Lord must excuse me if, with all due deference to him, I, as a general rule, prefer the opinion of the Queen's Advocate upon questions of international law to that of the noble Lord. I stated this the other night when the subject was before mentioned; and I added, that as the noble Lord had stated that a number of slaves in Surinam were entitled to their freedom as British subjects, I was determined that no opinion of the Queen's Advocate, or of any other officer of the Crown, should prejudice the Government as to the course they would ultimately take; but I would take care that the grounds of the noble Lord's opinion should be well considered before any final resolve was come to; and, if on mature consideration, Her Majesty's Government saw cause to believe that an erroneous opinion had been given, I was determined that no person should continue to be deprived of that liberty to which he was entitled for the sake of a consistent adherence to such opinion. That promise I have fulfilled, and I have directed that that opinion shall be reconsidered; for I agree that the liberty of man, whether black or white, is far too serious a question to be made dependent upon anything like Ministerial consistency; and I say again, that if any opinion that has been given to the Government, and upon which the Government has acted, disentitling any man to that liberty which he is entitled to claim; so far from thinking it any shame to retract that opinion, I shall be proud to acknowledge the error, and to restore the man so unjustly detained in slavery to freedom. So much as to the case of the negroes of Surinam. Then, as to that of the Imaum of Muscat, and the relations of France with that Potentate. I do not deny the right of the noble Lord to introduce this subject, neither do I say that it is not important. The noble Lord said, at the beginning of his speech, that a Treaty was lately entered into between France and the Imaum of Muscat, which enabled France to take the subjects of the Imaum, and consign them to slavery; and he charitably supposes that the reason why France has not extended the operation of the Convention recently entered into with England to the eastern coast of Africa, was to enable her to carry on this traffic. Of course it is free to the noble Lord to speak of France in what terms he pleases; but he will permit me to say, that I do not think it conduces to the maintenance of amicable relations between this country and France, that he should seize upon every opportunity to speak of that country in such disparaging terms;

and in making the statement I am now alluding to it, would have been no more than fair if the noble Lord had quoted the whole of the document on which he says it is founded. The noble Lord referred to a letter written by the Commissioner at the Cape of Good Hope, to show that France had made a Treaty with the Imaum of Muscat, to enable her to carry away the subjects of that Potentate, and place them in a state of slavery in the island of Bourbon. [An hon. *Member:* In the same state as the Hill Coolies.] But the Hill Coolies we do not admit to be in a state of positive slavery. Great care is taken for their protection, and unless precautions were taken, there would be great danger of abuse. But what is the statement in the letter to which the noble Lord has referred? It is to the effect that—

"They had learned that slaves were brought to the island of Bourbon, but that there were no exports of slaves; but they had heard of a French ship of war, the commander of which had concluded a Treaty with the Imaum of Muscat, for the purpose of transporting the subjects of the latter as labourers into Bourbon."

I infer the noble Lord supposes that to mean to place them in a state of slavery. I do not mean to say that full inquiry ought not to be made whether that arrangement is altogether compatible with our Treaties with the Imaum of Muscat; but I think it was only proper that the noble Lord should have read the whole of it, when he quoted it to show that France was dooming the persons so transported from the territories of the Imaum, to slavery. The concluding portion of the extract which the noble Lord had omitted to read was this—I do not mean to say there might not be more opportunities for abuse in this arrangement than in that under which Hill Coolies are imported into our Colonies, nor do I mean to say that the transaction is one that can be justified; but what I say is, that the noble Lord, in making the charge, should have read the whole of the document. The letter says—

"Unfortunately, I have not been able to procure a copy of the instrument, but I believe it contains stipulations which take away all pretence for supposing that it involves any infraction of the Treaty entered into between England and the Imaum of Muscat."

The noble Lord read the first part of the letter, but he altogether overlooked the passage which stated that there were conditions inserted which took away all pretence of any infraction of our Treaties. The letter further stated—

"My informant states, that under the condition of this Treaty it is probable that the condition of the labourers so hired will be materially improved, as they are to be sent back after a time with the money they may have earned, and perhaps with the knowledge of some trade, and with habits of industry and civilization which will be of great advantage to them afterwards."

[Viscount *Palmerston:* I read that, and made a comment on it.] I beg the noble Lord's pardon. This part of the letter the noble Lord did not advert to, but he referred to the letter generally, and accused us of remissness, because we had not insisted on the observance of our Treaties with the Imaum of Muscat. I am bound to say it is one evil — compensated for by a superior amount of good no doubt—but it is one evil of the position in which we stand in our relations with other countries in regard to the suppression of the Slave Trade, that it is continually liable to involve us in angry correspondence with those countries. The noble Lord says we have shown tameness in our remonstrances. This is one of them, and as a specimen of that tame submission to Spain, and that unwillingness to offend her feelings, which the noble Lord says characterizes the policy of the present Government. Lord Aberdeen writes to Mr. Bulwer, the British Minister at Madrid, thus:—

"The bribes which the authorities of Cuba have for many years received for upholding the Slave Trade of that island have been well known, and have been pointed out to the Government of Spain, and they have been often urged to put a stop to these iniquities. The precise sum given for each slave, the officers among whom it was divided, and the proportion in which it was shared, were notorious. The Spanish Government have not been able to deny those facts, although they have asserted that it has not been from any neglect of duty on the part of the authorities that the Slave Trade was kept up. But it has been proved, that when the Government of Her Catholic Majesty appointed a person of honour and integrity to be Governor of Cuba, and one who undertook the high functions entrusted to him with other views than those of enriching himself and his associates by a corrupt connivance at the crimes which he was appointed to repress, that trade speedily declined, and indeed had almost ceased to exist. A change, however, was made in the government of the island, and the iniquitous traffic is again in full vigour, notoriously encouraged, and almost openly defended, by the man to whom Her

Catholic Majesty's Government have confided the interests and honour of the Colony, and the duty of watching over the faithful discharge of an engagement solemnly entered into by the Crown of Spain. It is for the Spanish Government alone to consider what may be the consequences of a perseverance in such conduct on the part of its Colonial authorities, so far as the welfare of the Colony is concerned. Were it the sole object of Her Majesty's Government to see the liberation of the slaves in Cuba accomplished, no matter by what means, or at what cost of blood and social order, they could hardly wish a more certain course to be pursued than that which, during the past year, the Government at Madrid have permitted, if not sanctioned, in those officers. It is, however, the earnest prayer of Her Majesty's Government that the fearful catastrophe with which Cuba is threatened may yet be averted. But whatever measures with this view the Spanish Government may in its prudence adopt, the flagrant violations of the Treaties with Great Britain which are almost daily perpetrated in Cuba, and the equivocations and false statements with which the remonstrances of Her Majesty's servants have been met by the Representatives of the Spanish Crown, give Her Majesty's Government the right to require that effectual means shall be taken to put an end to these acts, and to prove that they are not committed under the authority of the Government at Madrid. It is the conviction of Her Majesty's Government, that the honourable observance of the Treaty of 1835 is impossible, unless the penal law prescribed by it shall be enacted and enforced, and unless General O'Donnell shall be recalled from the Government of Cuba."

That is the remonstrance we made to Spain in regard to the conduct of General O'Donnell. Unfortunately, it often unavoidably happens that the correspondence laid before Parliament in reference to the Slave Trade is incomplete. It frequently occurs that the countries with which we are in communication are so distant, that the correspondence upon any particular subject is not concluded at the end of the year, when the Papers are made up; and since I came into the House a despatch has been handed to me, written in 1845, on the subject to which the noble Lord has spoken, as having been brought in question by General O'Donnell—the right of our Consuls to make representations to the Governor of Cuba—and which shows that that subject has not been unattended to by the Government. But the communications made in 1845 are not included in the Papers before the House, which reach only to the end of 1844; and those Papers, taken singly, therefore, give but an imperfect view of the correspondence. And with regard to the case of the slaves in Surinam—that of the Imaum of Muscat—and with regard, also, to the conduct of General O'Donnell, and his charge of improper conduct on the part of our Consuls—I repeat that I have only a general knowledge of those transactions; and if, in the absence of the whole of the details, I do not give as full and as satisfactory an answer as may be desired, I trust the House will not suppose we have been neglectful of the honour or the interests of the country, or take up erroneous opinions from the insufficiency of the explanation I am in a condition to give. I now proceed to address myself to what I understand to be the main subject of the noble Lord's Motion. I never certainly expected that the noble Lord would persevere in calling for any expression of opinion on the part of the House upon the policy of Her Majesty's Government in regard to the recent Convention with France; but I did infer from the noble Lord's notice, that he intended to bring that subject under the attention of the House, and that that was the main object of his Motion. Now, Sir, in the first place, let me say again, that I have no apology to offer on the part of the Government in respect to that Convention. I believe that Convention is a wise and prudent measure, and that it furnishes you with a more efficacious instrument for suppressing the Slave Trade, through the kindly co-operation of France, than you would have had if that Convention had never been signed, and your Treaties only remained in force. The noble Lord has referred in strong terms to the refusal of France to ratify the Treaty of 1841 after she had signed it. Is, then, the noble Lord of opinion that that refusal on the part of France to ratify, after signing the Treaty, was a cause for war? [Viscount *Palmerston*: No.] The noble Lord says he does not consider it a sufficient cause for war; but he tells us that we tamely acquiesced in that refusal to ratify, and that we made no remonstrance to the French Government on the subject. Now the noble Lord must excuse me for saying that his statement in this respect is utterly and entirely without foundation. I agree with the noble Lord that the refusal to ratify was an act almost unprecedented; and an act calculated to establish a bad precedent for the future. I admit, it was an act against which we had a perfect right to remonstrate; but I agree with the noble Lord that it was not

a cause for war. The question then is, did we protest against that act, and did we remonstrate with the Government of France on the subject? The noble Lord challenges me to an inquiry, as to what was the cause of the refusal of the Executive Government of France to ratify. He says the clamour in the French Chamber against the ratification was a purely factitious one; and again, though the popular assembly of France in three successive years—in 1842, in 1843, and again in the year 1844—coincided by a unanimous vote in their objection to ratify, and required that efforts should be made by the Government to modify the existing Convention as to the Right of Search, the noble Lord states that this expression of opinion on the part of the Chamber, was nothing more than the clamour of the slave traders, who were anxious still to be able to carry on the Slave Trade. I have heard the noble Lord say that the Slave Trade was extinguished in France—that the subjects of France do not now carry it on. I believe that is the fact; and I do think the noble Lord is doing great injustice to the feelings of that country—erroneous and unfounded as I believe that feeling to have been—when he states that the only and the sole ground of their objection, on the part of the French Chamber, to the Right of Search, and the Treaty of 1841, repeated, as it had been, during three successive years, was founded on a desire to carry on this infamous traffic. I agree with the noble Lord in thinking that the feeling of France against the Right of Search was unfounded; but I do not concur with him as to the source from which that feeling arose. I believe it arose rather out of the irritated state of the public mind, occasioned by the events in Syria, than out of any desire to carry on the Slave Trade. The noble Lord says, that in 1841 I showed a disposition to support the then Government in its Syrian policy; and the noble Lord has also referred to the cordial aid I gave him in carrying through his measures for suppressing the Slave Trade. The noble Lord only does us justice. I was not disposed in 1842 to inquire too minutely as to how the state of things, which it was the object of the noble Lord to meet, had arisen; but having aided him, as he says, in his measures for removing the difficulties that had occurred, I think it is scarcely fair for the noble Lord now to turn round and make that support a matter of charge against me. I will not, as I said, inquire how that feeling in the public mind in France, which led to the non-ratification of the Treaty of 1841 arose—not that I want to insinuate any blame to the noble Lord—but we found that such a feeling did pervade the public mind, and was expressed on the part of the popular assembly of that country, and that the Executive Government of France acting, as we believed, honestly and with good faith towards Her Majesty's Government, did experience a difficulty on account of that popular feeling in ratifying that Treaty. I believe it was the desire of the French Government honestly and fairly to ratify it, if they could have done so. It would have been inconsistent with their dignity, and with their position, to have sought means to evade the ratification of that Treaty. I believe the cause the French Government assigned was the real and honest one; and in a country where the Executive Government is necessarily controlled by the acts and opinions of the popular assembly and popular opinion, they had not the power of performing that which I think they should have performed. The question would have been altered if, having signed the Treaty, they had sought the means of escaping by subterfuge its ratification. The question for us to consider was, was the reason given by the French Government for the non-ratification an honest one? I believe it was; and though we did right to remonstrate if it had been a case in which a recourse to hostilities would have been justifiable, it still would have been an element in our consideration whether the Executive Government of France was acting honestly towards this country, or merely assigning a pretence for not ratifying, after having signed, the Treaty, in their refusal after the debate in the French Chamber. After the signature of the Treaty, M. Guizot proposed that the protocols should be left open, and that some modification should be admitted. To this we gave a positive refusal. The noble Lord said we tamely acquiesced, and offered no remonstrance. I cannot think that any tameness was evinced, nor could we have stated our objections in stronger terms and plainer terms than we used. Lord Aberdeen, writing to Lord Cowley at Paris, on the 12th of February, 1842, speaking of the non-ratification of the Treaty by France, says:—

"The consequence of the decision of the French Government, if it should be final, ap-

peared to Her Majesty's Government to be pregnant with mischief, and more injurious to the exercise of the Royal prerogative in France than anything that had occurred of late years; it would shake the confidence of Foreign States in the engagements of the French Government; and the inconsistency was the more striking inasmuch as the Cabinet of the Tuileries had joined in the invitation to the three other Powers to become parties to the Treaty."

If the noble Lord had penned that remonstrance, could he have communicated it in more emphatic, and at the same time in more dignified language? Unless we should have been justified in taking hostile proceedings, all threats and all menaces were out of the question. We stated that we would not be parties to the transaction, that we would not acquiesce in it, that we thought it dangerous, and we remonstrated against it; but if we did not resort to hostilities any menace would have been unseemly and improper. Lord Aberdeen went on to say—

"The proposed alterations in themselves were confessedly of little value—"

For there had been slight concessions proposed with the view of conciliating public feeling in France, and, by means of this conciliation, obtaining the ratification of the Treaty.

"The proposed alterations in themselves were confessedly of little value; but they became of weight from their origin and from the motives which led to them: what M. Guizot called national susceptibilities as to calumny and injustice, and which we called unfounded imputations."

Could we have said more? Was there any tameness in this? It was possible that we might have obtained the ratification of the Treaty by a sacrifice of something to the wounded honour of France; but we said that "We will make no such concession, we feel that our cause is a just one, and we refuse to make the concession." Lord Aberdeen said—

"After the criminations which were made in such an assembly as the Chamber of Deputies of an interested disposition in the course we proposed, if there were only a suspicion entertained, it was impossible they could long be continued; and if they were the consequence of a hostile feeling, it could not be mitigated by concession. At all events, we could not purchase the ratification by these apparent concessions."

Now, I appeal to the noble Lord himself whether, upon the refusal of the French Government to ratify the Treaty, the grounds on which he stated that we abstained from all remonstrance have not been completely demolished. The French Government, however, refused to ratify that Treaty; France would not be a party to the Treaty of 1841, which she herself had signed. The three other Powers which signed that Treaty did ratify it; and the Treaty was still binding on the four Powers who were parties to it. The refusal of France to ratify that Treaty left the relations between this country and France, so far as Slave Trade Conventions were concerned, dependent upon two Conventions—the Convention of the year 1831, and the Convention of the year 1833. I need not, for the present purpose, allude more particularly to the Convention of 1833; it was supplementary to the Treaty of 1831; there were important provisions in the Convention of 1833, calculated to facilitate the execution of the former Treaty; but it did not increase the power within the zones in which the former Treaty could be exercised. The Treaty of 1831 gave a Right of Search, which we have been enabled to exercise, which we are now able to exercise, and which we shall be able to exercise till the recent Convention shall come into force. I appeal, however, to the House most strongly, and I shall be able to demonstrate, that the provisions of the recent Convention will prove more efficacious for the suppression of the Slave Trade, than a mere adherence to the provisions of the Convention of the year 1831. I presume it will be admitted that the Right of Search is not for itself, and *per se*, a good to this country. I presume it will be admitted that the value of the Right of Search depends upon its efficacy in the suppression of the Slave Trade. We do not ask for this right as a proof of our maritime supremacy—we do not ask for this right as conferring any advantage on our Colonies—we do not ask for it as giving us any triumph over France. The only efficacy in the institution is its power in suppressing the Slave Trade. If we adhere to the Right of Search, it will not be denied that its exercise is calculated to provoke irritated feelings; and, if we can substitute some other measure which is, at least, as effectual, is there a man in this country who would rigidly insist on maintaining this Right of Search, and refuse an equivalent? What, then,

is the Convention of the year 1831? The Convention of the year 1831 established a reciprocal Right of Search between this country and France; but it was not an universal Right of Search; it was limited, on the west coast of Africa, to that part of the coast which extends from Cape Verd, being, I believe, in about the 15th degree of north latitude, to the 10th degree of south latitude; but that part of the coast was not the whole of the west coast from which the Slave Trade was carried on. The Slave Trade with the Brazils is carried on several degrees to the south of the 10th degree. The Right of Search, then, was imperfect in this respect, that it was not a reciprocal Right of Search along the whole west coast of Africa, which is the seat of the Slave Trade. The Convention of 1831 gave no Right of Search on the east coast of Africa. The Convention of 1831 did not enable the British cruisers to interfere in the slightest degree with the transhipment of slaves from the territories of the Imaum of Muscat. So far as the east coast of Africa is concerned, there was no Right of Search. I will state fully what the right was. The right extended for twenty degrees round the Island of Madagascar, and it did extend also to certain districts on the coasts of Cuba, of Porto Rico, and of the Brazils. Did it, however, stipulate that the French should be bound to keep a certain number of vessels on the coast? No such thing. Warrants authorizing the Right of Search were to be issued by each country to the vessels of the other; but this country was not allowed to have more than double the number of warrants for French vessels. Now, suppose France should decline to apply for more than four warrants, undoubtedly this would be an evasion of the Treaty, unless there were strong grounds; but the Treaty was defective in that respect, because it limited the number of our own vessels to double those which France might think fit to keep for this purpose. The Treaty, therefore, placed the exercise of the powers under it entirely in the hands of France. It left France to determine the number of vessels which she would keep on the coast, and it precluded us from having more than double the number. Observe also, that the warrants are to be annually renewable. So that the right was given every year to France to fix, at her discretion, the number of vessels. It is important, in discussing the present Treaty, to refer to the correspondence between the noble Lord and the French Government, at the period when the Treaty was made. The noble Lord, in the year 1831, asked the French Government to consent to an unlimited Right of Search. The French Government positively refused to accede to such a proposition. These were the reasons asserted by the French Ministry for that refusal. The noble Lord proposed to the French Government to concede to this country the exercise of a Right of Search, which was to be reciprocal to both countries. On the 7th of April, 1831, Count Sebastiani, in answering the proposal conveyed by Lord Granville said—

"The French Government had already repeatedly declared its reasons for refusing acquiescence in this proposal, and these reasons had lost none of their weight or importance. The exercise of a Right of Search in the time of peace was essentially contrary to the principle of the French law, and it would wound public opinion in France on a ground on which it was very sensitive."

The noble Lord then directed Lord Granville to furnish the French Government with proofs of the great atrocities and cruelties with which the Slave Trade was carried on; and the French Government was invited to acquiesce in a qualified Right of Search. The French Government had, in that very year passed a law, authorizing the infliction of a punishment, and a very severe punishment, on all French subjects who should be concerned in the Slave Trade. It was admitted by Lord Granville and by the noble Lord, that so far as French subjects were concerned, that law would be effectual, and I believe it has been found effectual. The terms in which the noble Lord proposed a modified Right of Search were these:—

"His Majesty's Government are of opinion that a modified proposition on this subject might be made, which would sufficiently accomplish the object in view, without conflicting too much with the prejudices of the French naval service."

He went on, therefore, to instruct Lord Granville as follows:—

"You will therefore propose that instead of establishing a general and permanent Right of Reciprocal Search, that each Government shall furnish to the cruisers of the other employed upon the African station, documents or instructions empowering them to search vessels, not being ships of war, within certain

degrees of latitude and longitude. These documents might be limited as to duration in time and extension of space. They might be given for three years, subject to renewal at the end of that time, or revocation during that period, should any abuse be found to result from them. It appears to His Majesty's Government that this partial and temporary experiment, which would still leave the question of Right of Search at all times under the control of the two Governments, would prove extremely useful, and would either remove objections to a permanent arrangement, or render it unnecessary."

Instead of three years' duration for the warrants as proposed, their duration was limited to one year, thus giving to the French Government annually a discretion with respect to the issue of these warrants; and also a power of limiting the number of cruisers employed by the British Government, by limiting the number of cruisers which they (the French Government) employed. That letter was dated the 7th April, 1831, and on the 30th of April, the Convention was signed, the period of one year being substituted for three years. The noble Lord did, at the same time, make another and very important proposition to the French Government. The noble Lord now finds it convenient to depreciate the efficacy of the French squadron on the coast of Africa; but the noble Lord then urged on the French Government, if they would not consent to a general Right of Search, that they should send cruisers to the coast of Africa to co-operate with us; and these are the terms in which he then spoke of the probable efficacy of that instrument in suppressing the Slave Trade. The noble Lord said—

"If the objections to the Right of Search should, unfortunately, prove insurmountable, that then the French Government should be pressed strongly for some French ships of war being sent, without loss of time to the coast of Africa, to enforce the laws on all vessels bearing the French flag. To this proposition His Majesty's Government could not anticipate any objection; with such a squadron His Majesty's ships would be ordered cordially to co-operate; and that there was no reason to doubt that the united efforts of France and England, so exerted, would accomplish the object to which the two countries had mutually bound themselves by solemn engagements."

Thus the noble Lord told the French Government that the Convention of 1831 was a partial and temporary experiment; and he also told them, that if the French Government sent to the coast of Africa a sufficient quantity of cruisers with which our cruisers might co-operate, there was little doubt that, by the means of their joint efforts, the two countries might be enabled to attain the object they had in view. It was such a Convention, with such an explanation of motives, that we should have been left with in case no new Convention had been formed; and I now proceed to contrast the advantages we have, under the present Convention, with those we possessed under the former Convention. I admit to the noble Lord that we have relinquished, when this new Treaty comes into force, the Right of Search. For what was the Right of Search efficacious? Was it efficacious for the suppression of the Slave Trade carried on by French ships? I assert that the Slave Trade on the west coast of Africa, carried on by French ships, is at an end. It can be truly asserted, I believe, that French subjects do not carry on the Slave Trade in French ships. If they do, I admit that under this new Treaty we lose a power which we had under the Convention of 1831; but one of the reasons for adopting this new Convention is, that the Slave Trade carried on by the subjects of France, in French ships, is at an end. I make that assertion on these grounds:—According to returns of vessels condemned for carrying on the Slave Trade, furnished by a gentleman with whose name and abilities the noble Lord is acquainted (Mr. Rothery), the number of vessels condemned since the year 1819, amounts to no less than 6,398; and of these there are only thirteen which were French vessels, belonging to French subjects, carrying on the Slave Trade. Of these thirteen cases, eleven took place between 1819 and 1831. Since the latter period, only two cases fell within the cognizance of Mr. Rothery, of French vessels carrying on the Slave Trade, and which, under the Right of Search, we should have been enabled to visit and capture. They were called respectively the *Senegambia* and the *Marie Anne*. The Slave Trade carried on by the French upon the west coast of Africa, then, I contend, is at an end; and I believe that, in speaking of the Portuguese Treaty in 1839, the noble Lord himself admitted as much. I may add that Mr. Sturge, who recently visited the French Colony of Martinique, states that no slaves had been imported there since the accession of His Majesty the present King of the French. I now come to the abuse of the French flag; and I admit that, having abolished the Right of Search, we ought

to be cautious, in order that the French flag may not be abused by being assumed by the vessels of other nations carrying on the Slave Trade. What are the precautions we have got against this abuse? Let us compare the Convention of 1845 with the Convention of 1831. As I said before, the Convention of 1831 was limited to a portion only of the west coast of Africa, where the Slave Trade is carried on. Its operation extended only from Cape Verd to the 10th degree of south latitude; whereas the present Convention includes the whole of the west coast of Africa, from Cape Verd to the 16½ degree of south latitude. This includes the whole of the coast where the Slave Trade is carried on; for between the 16th or 17th degree of south latitude and the Cape of Good Hope, there is no opportunity of carrying on that trade. Consequently, there are subject to the operation of this new Convention, 6½ degrees of the west coast of Africa more than were subject to the operation of the Convention of 1831. What is our protection as to the abuse of the French flag by other parties? Have we conceded that right which we claim of visit, for the purpose of ascertaining whether or not vessels really have the national character which they assume? In this new Convention we have it admitted distinctly by the Government of France, that that right which the American Government was disposed to question, is a right sanctioned by the maritime law of nations. The instructions we have given to our cruisers convey distinct authority to exercise that Right of Visit; and these instructions are embodied in this Convention. They are referred to in the Eighth Article, and form an essential part in the theory of the whole agreement. There is, therefore, an admission on the part of the French that the cruisers of this country, seeing a ship under French colours, under suspicious circumstances, have a right, unaffected by the Convention, of ascertaining the national character of that vessel—[Viscount *Palmerston:* There is nothing new in that—we had that right already.] We have thus the means of preventing any abuse of the French flag. Then let us look to the instructions given to the French cruisers. The French law of piracy is even a stricter one than our own. The noble Lord spoke of vessels carrying double sets of papers—double commissions from different Powers—[Sir *C. Napier:* Quite a common practice.] The hon. and gallant Gentleman says it is quite a common practice. Well, by the French law, it is a piracy. The noble Lord has spoken of a suspicious ship, not being a French vessel, but carrying French colours: our Right of Visit, in such a case, is admitted by France. It is a right that we have long claimed, but which is only now formally admitted; and the noble Lord knows well that to claim is one thing, and to have admitted is quite another. What are the French instructions given to the French officers? They are similar to those given to the British officers. They authorize French officers, seeing a vessel bearing a flag under suspicious circumstances, to board it, and ascertain its national character. But the French instructions go further, and declare that persons engaged in the Slave Trade are, generally speaking, persons who commit an act of piracy; they state that by the French law, it is piracy for persons to commit depredations from armed vessels, to have double sets of papers, &c. The French instructions, therefore, authorize the French officers to apply their law of piracy to the act of slavers. We are to have, under this new Convention, a joint force belonging to the two nations, amounting to not less than fifty-two vessels, and they are to act in accordance with such instructions as I have explained. I quite admit that the French cruisers will not have the same power as the British cruisers, as they have not the Right of Search with the countries chiefly carrying on the Slave Trade—Brazil and Spain. Still the French cruisers had before no Right of Search over Brazilian, Spanish, or Portuguese vessels, and therefore they now stand, in this respect, in no worse situation than heretofore; but as far as the abuse of the French flag is concerned, will not the assistance of twenty-six French cruisers, co-operating with us, provide an effectual precaution against the assumption of the French flag by the slavers of other countries? The noble Lord says that he cordially approves of those parts of the new Convention which propose that Treaties should be entered into between the commanders of the squadrons with the native princes, in order to enable them to destroy the baracoons, and to prevent the carrying on, upon shore, of the Slave Trade. When these Treaties shall have been formed, the French cruisers will be enabled to give most material aid to our cruisers in carrying them into effect. Is it not a fact, with respect to the suppression of the Slave Trade, that the whole burden and expense has fallen on this country? And what is

the noble Lord's own account? Has he not stated that the reason we failed is the not having a sufficient force on the coast of Africa? He said that events are constantly occurring which compel us to diminish our force on the coast of Africa; and, during the diminution of the force, an encouragement and a stimulus are given to the trade. Surely the addition of twenty-six vessels in aid of our squadron will supply that deficiency; fifty-two vessels being the minimum of the joint force to be placed on the coast of Africa. The noble Lord said, that during the Chinese war, during the dispute with New Grenada, and again when it was thought necessary by the present Government, to send a force to the River Plata, we removed vessels from the coast of Africa, and that, during their removal, the efforts made for the suppression of the Slave Trade were ineffectual. Well, then, against this evil we have taken the precaution in this new Treaty with France of providing that France shall bear one half of the burden in suppressing the Slave Trade, and that there shall never be less than fifty-two vessels engaged in blockading the coast of Africa, whilst the commanders shall endeavour to form Treaties with the native princes. Having formed those Treaties, and having then the right, under the law of nations, to interfere, the commanders will be able to give effect to them by the joint and cordial co-operation of the two greatest maritime powers in Europe. The noble Lord asked me some questions as to particular Articles of the Treaty lately concluded. He began with the preamble. The noble Lord stated, that the preamble of the Treaty of 1845 was most disgraceful to this country, because it began with this recital—

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, considering that the Conventions of the 30th of November, 1831, and the 22nd of March, 1833, have effected their object in preventing the use of the English and French flags in carrying on the Slave Trade, but that this odious traffic still exists, and that the said Conventions are insufficient to ensure its complete suppression, His Majesty the King of the French having expressed his desire to adopt more effectual measures for the suppression of the Slave Trade than those contemplated in the said Conventions; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland being anxious to co-operate for the attainment of this object, they have agreed to conclude a new Convention."

The noble Lord says it is disgraceful to admit that the existence of these Conventions have not had the effect of suppressing the Slave Trade. Now, it would be rather difficult to insert and put on record that France had carried on the Slave Trade, and that we had not. It would be a difficult matter to draw that distinction. But what does the noble Lord say to his own Convention of 1831? Why, the noble Lord, in that year, knowing that no efficacious measures were required for the suppression of the Slave Trade carried on by British subjects, committed precisely the same error, if it be an error, which we are charged with having fallen into in 1845. In fact, the noble Lord, by the wording of his own preamble, made it difficult for us to use different language from that employed by him in 1831. The Convention of 1831 was not required for the suppression of the Slave Trade carried on by British subjects. That had already been abolished and put an end to by law; but notwithstanding such being the case, the noble Lord had, in treating with another country, thought it courteous to place the common object upon the same footing. In the preamble of the Convention of 1831 he states that the countries of Great Britain and France, being desirous of rendering more effectual the means of suppression hitherto in force against the criminal traffic in slaves, have deemed it expedient to negotiate and conclude a Convention for the attainment of so salutary an object. The preamble was thus couched, and the Convention which it began went on to state, that therefore mutual Right of Search was conceded, such right being necessary for the suppression of the Slave Trade. Then the noble Lord put a question to me as to the meaning of the Third Article of the Convention, to which he seems to attach great importance. The noble Lord is particularly desirous that I should explain the meaning of it. Now, I think I can explain it to his entire satisfaction. The noble Lord asks whether the object of the Third Article is to prevent British commercial vessels from plying in certain harbours. The Third Article provides that certain stations shall be selected and defined, and

"That the care thereof shall be committed to English and French cruisers, jointly or separately, as may be deemed most expedient, provided always, that in case of a station being specially committed to the charge of cruisers of either nation, the cruisers of the other nation may, at any time, enter the same for

the purpose of exercising the rights respectively belonging to them for the suppression of the Slave Trade."

Now, I will tell the noble Lord what the object of that Article is, and I anticipate his entire approval of its insertion. It will be desirable to assign those stations to France nearest her own possessions, and to give to British cruisers the same advantage; but it is necessary to stipulate that we should have the right of entering the French stations, because we have more efficacious means of suppressing the Slave Trade than France. It may happen that on the stations assigned to French cruisers, Spanish, Portuguese, or Brazilian slave ships may enter, which the cruisers of France have not the power to search. We have that power. It became necessary, therefore, to stipulate that, though different stations should be primarily assigned to the cruisers of the two Powers, yet the assignation of a particular station to the French cruisers is not to prevent our cruisers, who have superior power, from entering on those stations, in order, if necessary, that the Right of Search should be exercised by us as to vessels over which the French have no corresponding power. Now, I trust I have explained that Article in a way which will be satisfactory to the noble Lord, and have shown him that the reservation was not intended to interfere with the pursuits of legitimate commerce, but only to enable us (after certain stations were assigned to the cruisers of each nation) to have a full power of entering the stations of the other Power, for the purpose of putting in force our superior powers. I am not aware that any other question was mooted by the noble Lord in connexion with the Treaty. [Viscount *Palmerston*: The Ninth Article.] That is a mere formal engagement, that neither Power will, under any circumstances, be concerned in the Slave Trade. Now, supposing the noble Lord's suspicions to be just as to the Imaum of Muscat, this becomes by no means an immaterial portion of the Convention. The noble Lord has been engaged in showing that France has been carrying on the Slave Trade, and yet he objects to a public engagement that each country shall within its own territories—within the Colonies it now possess, or may hereafter possess—enter into a reciprocal stipulation that under no circumstances shall the Slave Trade be carried on. I admit with regard to us—I trust with respect to France—such a stipulation is perfectly unnecessary; but if I doubted the policy of inserting it in the Convention, the speech of the noble Lord would go far to convince me that it was neither needless nor superfluous. But I suppose the noble Lord will not contend that it would be possible to exact such a stipulation from France, and yet that we should not be prepared to enter into a corresponding engagement. So far from implying any dishonour to this country, I think, if there is any well-grounded suspicion that the Slave Trade may be carried on in any part of the dominions of France, temporary or permanent, that a great public object is gained, if we obtain the admission of a positive engagement, that under no circumstances shall the Slave Trade be carried on—that the carrying it on shall not be merely the infraction of the municipal law, but of a positive stipulation entered into with this country. I, therefore, contend, that we have, under the new Convention, increased the means of suppressing the Slave Trade beyond those which could be exercised under the old Treaty. We have got this Convention with the cordial good will of France. We have assurances of its cordial co-operation, which we never should have had under the old Treaty. The provisions of this Treaty regard a more extended line of coast than that under the old; but add to that the consideration that these provisions are entered into with the cordial good will, and are to be carried into effect with the cordial concert and co-operation of France; then (giving due weight to this consideration) we have an instrument for the suppression of the Slave Trade more powerful and available than we should have had under the defective instrument of 1831. The noble Lord has asked me for the evidence taken before this Convention. The noble Lord treats with utter disregard the statement I made that I could not produce that evidence with a due regard to the interests of the public service. The noble Lord has often given a similar refusal; and I never treated his declaration with that disregard which he exercises towards me. I do assure him that I have no motive whatever in withholding that evidence on account of the supposed importance it might show was attached to the Right of Search. But this evidence was given by eight officers, English and French, who were examined before the Convention with regard to the measures it would be wise to adopt on the coast of Africa; as to the particular parts

of the coast where the cruisers of the two countries should be stationed, and where the trade was most carried on; the nature of the engagements it might be desirable to enter into with native Powers; the mode of carrying them into effect, and the secrecy necessary to be observed; and these being mainly and principally the matters to which that evidence refers, I cannot, consistently with the interests of the public service, consent to produce it. Therefore it is that I feel compelled by a performance of my duty, and not from the unworthy motives which the noble Lord chooses to attribute to me, to adhere to the refusal which I gave in answer to a question of the noble Lord, and to withhold from the knowledge of the public the evidence given by the officers who were examined. If the noble Lord thinks that any object can be gained by giving the names of the officers, I have not the slightest hesitation in stating them. There were five English and three French officers engaged in this investigation, and I am bound to say that the evidence they gave was not the foundation of this Treaty, for their evidence mainly referred to particulars with respect to which I adhere to the opinion that it would be inconsistent with my duty to present them to the House. Now, I entreat the House to bear in mind—if you want authority on the subject—who were the parties to whom the consideration of this question was committed, and by whom this Convention was signed. They were two men standing in their respective countries in the highest rank among public men for ability, for integrity, for high private character; but, above all, they were distinguished from most men on this account, that they have throughout their lives been remarkable for persevering and vigorous efforts, at any sacrifice, to combat and control the detestable traffic carried on in the blood of our fellow men. The two men who considered this question, and signed this Convention, have been influenced by no party or political considerations. Dr. Lushington, during the time he acted in public life, was opposed to the views of Her Majesty's present Government. The Duc de Broglie has for a long period separated himself from party in France, and has never shown the slightest desire to sacrifice his private opinions to any party. The Duc de Broglie, if any man, had an interest in maintaining the Convention of '33. It was during his occupation of the Foreign Department that the Treaty of '33, entered upon for the purpose of giving effect to that of 1831, was signed. If the Duc de Broglie has been remarkable for any act of interference in public or political matters of late years, it has been with reference to the cause of education in his own country, or to the suppression of the Slave Trade. During the whole of his political life, opposed to Her Majesty's Government, Dr. Lushington has been chiefly remarkable (more so than any man now living, and ranking in this respect with Clarkson, Wilberforce, and the late Sir F. Buxton) for his successful efforts to mitigate the hard lot of the slave, and to prevent the continuance of the abominable traffic of the Slave Trade. These two men signed that Convention, which no earthly consideration would have induced them to sign, but the firm persuasion that they were placing in the hands of their respective Governments more powerful means of suppressing the Slave Trade than any which previously existed. This Convention comes recommended to this House, so far as authority is concerned, by the highest authorities by which it could be stamped. It comes recommended to the House by the application of reason, by contrasting its provisions with those of preceding Treaties; it comes recommended still more powerfully by this consideration, that you have every assurance that in carrying into effect its provisions, you will have the cordial concert and co-operation of the most powerful maritime Power of Europe next to our own; whereas, if you choose to rely, instead of this Convention, on the letter of the Treaty of 1831, depend on it you will not have that cordial co-operation which is the life and soul of engagements of this kind. You have a right to hold France to the literal execution of that Treaty; but, in my opinion, the example of France, the concert and co-operation between France and England, will add weight and effect to the practical execution of measures for the intended suppression of the Slave Trade, which you will look for in vain to the letter of the Treaty; if the feeling of a great nation, if the feeling of its Legislature, if the feeling of the public mind, runs counter to it; if it throws its sympathy, not on the side of those who desire the suppression of the Slave Trade, but of those by whom it is carried on; if it mingles up some feeling of national pride and honour in resisting the Right of Search, you may claim and

execute that Treaty. But I look forward with more confidence to the cordial and harmonious concert of the two countries, than to the letter of engagements opposed to the general feeling of one of the contracting parties, which, though they may be strictly and honourably carried into effect, I believe, in the present feeling of France, cannot be enforced in that spirit and temper which can alone give effect to engagements of this kind.

Mr. *Sheil:* Though the right hon. Gentleman entered upon the discussion of a wide range of topics, yet "the old and new lobby" question before the House is narrowed to this point—Why has not the evidence been produced? The right hon. Gentleman dwelt much on the Treaty with the Imaum of Muscat; but it was with much surprise I heard him read the concluding paragraph of that part which he cited as to the transfer of slaves along the coast to Zanzibar. The words I refer to are these:—

"We beg to state, we have directed the following authorities, viz., the Superintendent of the Indian Navy, the Collector of Customs at Bombay, the Senior Magistrate of Police, and the Resident in the Persian Gulf, immediately to institute a scrutinizing inquiry into the correctness or otherwise of this report; and the result will, as soon as known to this Government, be communicated for the information of your Committee. We have also made a similar reference on this subject to Captain Hamerton, who, as reported in our separate despatch of this date, is now at Bombay, on his way to Zanzibar, in fulfilment of certain instructions with which this Government has been furnished by the Government of India."

With respect to Cuba, the right hon. Gentleman read a despatch of strong, almost peremptory language. The date of that despatch respecting the habits of acquisition which General O'Donnell had contracted, was, I believe, in February, 1844. A year has elapsed; and though the dismissal of General O'Donnell was demanded by Lord Aberdeen, he is at this moment Governor of Cuba. So that, notwithstanding the strong tone of remonstrance, it was not attended with any practical efficacy as regards the Spanish Government; and the menace of our Foreign Secretary does not appear to have fallen on the ears of General O'Donnell with any high degree of apprehension. To turn, however, from General O'Donnell, I must say, there was one assertion in my noble Friend's speech which struck me forcibly, and for an answer to which I waited anxiously, if not impatiently. My noble Friend stated that it was not only currently reported, but universally believed, that the officers who were examined before the Mixed Commission, gave it as their opinion that the surrender of the Right of Search would be most prejudicial. No contradiction had been given to that statement. My noble Friend is entitled to call for the evidence which refers to that point, and he only asks for extracts. The right hon. Gentleman says, that much of the evidence relates to the state of the coast of Africa, to the regulations of England and France in reference to the stations of the cruisers; and he added, it would be inconvenient to the public service to produce that part. It is not inconsistent with his public duty to give us that part which relates to the exercise of the Right of Search—the real point at issue. Instead of that ratiocination which the right hon. Gentleman has so laboriously pursued as to the comparative advantages of the last Convention over that of '31 — instead of the encomiums which he pronounced on the Duc de Broglie, and his well-deserved eulogy of Dr. Lushington—it would be much more satisfactory to give us the evidence which we want. It is, therefore, a most remarkable circumstance that that portion of the evidence is omitted. The object of the right hon. Gentleman's speech was, to show that the Convention of 1845 was much better than the Treaties of 1831 and 1833. The Convention is perfect, according to his account; the Treaty of 1831 was lame and impotent. But mark the difference—set forth in the very head of the Convention itself. The Treaties of 1831 and 1833 have succeeded. You tell us, that by the Treaty of 1831, we had only ten degrees of latitude to the south of the line, and fifteen north of it, and that now you have got six more on the coast of Africa. But why expatiate on the benefits of a Convention, the results of which are yet merely conjectural, when, having proved the success of the Treaty of 1831, you are giving up the instrument the efficacy of which has been demonstrated, and by which the French Slave Trade has been put down; and are substituting for that which has succeeded, one respecting the success of which, after all, you can only indulge in flattering anticipations? I think that simple statement must strike the common sense of the people of this country, to which my noble Friend has appealed, infinitely more than any

comparison of the geographical limits to which the Treaty of Convention of 1831, and the present Convention, extend. But I do not fly from the comparison. In the course of the right hon. Gentleman's speech, my hon. and gallant Friend behind me once or twice exclaimed, "The West Indies!" The Treaty of 1831 extended to the West Indies—mark that. The Convention is limited to the coast of Africa. The right hon. Gentleman, when he heard the exclamation, said that he should come to that point; but he did not do so. He did not attempt to defend the present Convention for that omission. For that part of the case there may be a defence on the other side of the House; but if there be, it was left to some one else. There is this great difference between the Treaty of 1831 and the Convention just concluded, that the former gave the Right of Search in the West Indies, on the whole coasts of Cuba and the Brazils—gave it at the points where the Slave Trade rages in its direst cruelty. The right hon. Gentleman said that the Convention would extend to Madagascar, and that the Treaty of 1831 did not extend to the eastern coast of Africa. Why, every one knows that one of the best provisions of that Treaty was, that it did extend to the eastern coast of Africa, where an immense Slave Trade was carried on. In a geographical comparison between the Treaty of 1831 and the Convention of 1845, we find immense geographical advantages on the side of the former Treaty. The facts connected with those Treaties are plain and indisputable. In 1842, such was the importance attached by the right hon. Gentleman to the extension of the Right of Search secured by the Treaty of 1841, that he introduced a paragraph in the head and front of the Queen's Speech, in which he stated that that Treaty would be maintained. It was made a matter of almost ostentatious commemoration. The Queen's words, spoken on the 3rd of February, 1842, were—

"It is with great satisfaction that I inform you that I have concluded with the Emperor of Austria, the King of the French, the King of Prussia, and the Emperor of Russia, a Treaty for the more effectual suppression of the Slave Trade, which, when the ratifications shall have been exchanged, will be communicated to Parliament."

A Member of Her Majesty's Government, the Earl of Dalhousie, now the President of the Board of Trade, stated in his speech, as a probable result of that Treaty, the total extinction of the Slave Trade. That right hon. Gentlemen was pleased then to state, that, so far from the Government having tamely acquiesced in the non-ratification of that Treaty, Lord Aberdeen had, in the month of February, remonstrated upon the violation of the engagements into which the French had entered. Certainly, the language held was remarkably strong; and it appears, that when the ratification of that Treaty was declined by the French Government, the right hon. Gentleman thought it inconsistent with his declaration to Parliament to give way in the slightest degree. But does it not follow that, if you were not to make any concessions respecting the Treaty of 1841, if no modification was to be submitted to, much less should you have surrendered the Treaties of 1831 and 1833, on which that of 1841 was founded? If it was a settled matter that you would not permit the slightest change, the smallest modification, to be made in the Treaty of 1841, what defence have you for abandoning that of 1831? You would not allow the superstructure raised on the Treaty of 1831 to be touched, not the slightest component part of it to be disturbed; and yet, afterwards, allow the basis on which that superstructure was raised to be upturned from its foundations. M. Thiers and M. Guizot, when they declared that the Treaty of 1841 could not be ratified, at all events concurred in saying, that the faith of France was pledged to the faithful fulfilment of the Treaties of 1831 and 1833. One year afterwards, the Duke de Broglie, whose name has been so often mentioned in this debate, delivered a speech in the French Chamber of Peers, in which he stated that he was the party whose hand had signed the Treaties of 1831 and 1833, that the last Treaty was entered into at a time when great obligations had been conferred by England on France; and that England, in return for those obligations, asked nothing more than the employment of additional means for the extinction of this odious traffic. That speech contained a complete defence of the Treaty of 1831, as a Treaty just, in all respects equitable, and founded on principles of perfect reciprocity — one from which no evil had arisen; but, on the contrary, the greatest good. Such was the panegyric pronounced by the French Commissioner on the Treaty of 1831. I know the high character of the Duke de Broglie; I know the career

of Dr. Lushington, with whose name eloquence, learning, high-mindedness, generosity and humanity are associated. To the virtues of my right hon. and learned Friend, no man will bear more cordial testimony than I shall; but the facts of this case are too strong—I cannot get over them. I find, as the commencement of the system, that the Treaty of 1831 has been successful; that by its operation the Slave Trade has been put down. If successful as a remedy, is it to be abandoned as a preventive? Are you to have recourse to what is, after all, but an experiment, and to abandon that expedient, of the efficacy of which not the slightest doubt can be entertained? I should rather say, that in the means you have already tried and found successful, reason calls on you to persevere. This is my answer to the arguments of the right hon. Gentleman respecting the comparative merits of the Treaty of 1841 and Convention of 1845. But there is still another objection, of the gravest kind, to your new Convention. Is it not most impolitic on your part to stipulate with France that she shall maintain a squadron of twenty-six ships, that she shall acquire familiarity with the sea, gain a home on the deep, and become domesticated on the ocean? Is there no risk that the Right of Visit you have preserved, or rather which you have declared, will lead to collision between you and France? The quarter-deck of a slaver is to be converted into a floating Court of Admiralty, where the issue of mixed law and fact, French or not French, is to be tried by the men to whom you commit the perilous adjudication. My great objection to the Convention is this—before it was concluded, if an English sloop of war, furnished with a commission, met a French slaver, she could seize her, board her, confiscate her, the cargo of human beings being delivered intact to life and liberty from the bonds of that living charnel-house. But now what will be the case? After the Convention of 1845, what will happen? From the topmast of an English frigate a bark, whose peculiar configuration bespeaks her purpose, is descried. She is pursued; despite the swiftness which all the well-contrived architecture of Marseilles or Toulon can impart, she is overtaken; she is almost condemned, when suddenly a tri-colour is hoisted, and then she may pursue her unobstructed way to Bahia or the Havannah, while the mariners of England, struck with impuissance, will have but to imprecate the compact, among the points of which is to be numbered this scandalous and detestable result. ["Hear!"] The right hon. Gentleman says "hear;" he cannot deny this—if a French slaver is met by an English cruiser, the instant her nationality is recognised she must be allowed to pass. That is the great and pressing fact of the case; that will be the result of the Convention. In my judgment you have set at nought and rendered valueless two most important acts of diplomacy; you have rendered all the sacrifices which England has made altogether vain; you have tempted the other nations of Europe to say that the Right of Search is incompatible with their honour. You have given a precedent to disturb all the Treaties connected with the Right of Search, and thus have done to the cause of humanity a mischief which not all your ingenious distinctions—not all your moral and sentimental declamations—not all your abandonment of the commerce of Brazil, your violation of the Treaty of Utrecht, and your quarrel with Spain, will be able to repair.

Sir *R. H. Inglis* thought that the House would admit that his right hon. Friend at the head of the Government could not, even with the largest preparations, have met the statement of the noble Lord opposite, on the general points, more effectually than he had done. But there were one or two points upon which he did not think his right hon. Friend—marvellously perfect as was his information on almost all points—had been successful in meeting the objections of the noble Lord; and he alluded particularly to the preamble of the Convention. It might appear hypercritical on his part, but he could not help feeling that in the diplomatic relations between two great nations, form became substance. Now, there was one expression in the preamble of the Treaty, gratuitously used on the part of England, which might compromise a principle which involved rights which no Statesman, without the deepest consideration, and certainly never without reluctance, would concede to another Power. He felt that the noble Lord opposite, when he called the attention of the House to the terms of the preamble of the Treaty, had urged an objection which was far too well sustained. He did not wish to be misunderstood. Not even the right hon. and learned Member for Dungarvon could entertain

deeper feelings of respect for Dr. Lushington than he did; yet he could not suffer his private respect for either that eminent person or for the Duke de Broglie, to render him insensible to the construction which might be put upon the terms of the preamble which they had permitted themselves to sign. He felt with the noble Lord opposite, that the terms of that preamble justified the construction which he had put upon it—viz., that the single object of the Treaties of 1831 and 1833, was to prevent the flag of England and the flag of France from covering the Slave Trade; but he could never admit the inference that the flag of England had been nsed for covering the Slave Trade between the years 1807, when the Slave Trade was abolished, and 1831. Until that expression was explained, he could not but feel that the construction put upon it by the noble Lord was too accurate for him or for any Englishman to deny. He felt that the expression "considering the Convention had prevented the use of the English flag covering the Slave Trade," did imply that, till that Convention had been passed, the English flag had covered that odious traffic; and he therefore regretted that his right hon. Friend (Dr. Lushington) had ever put his name to such a paragraph. He felt, also, that the 9th Article had not been explained by the right hon. Member in a way which relieved it from the objections of the noble Lord. He felt, with the noble Lord, that the declaration made on the part of Her Majesty, that Her Majesty would continue the prohibition of the Slave Trade in the Colonies of this country, might raise the presumption, that, except for such a declaration, the Slave Trade—say for instance to Jamaica—might be carried on. That, in his opinion, was a most gratuitous assertion on the part of Her Majesty; and in making it, Her Majesty had done much to verify the French proverb—by excusing she had accused herself; for a mere declaration that she would not encourage the Slave Trade, implied that without such a declaration she might have encouraged it; and it was on that account that he regretted that a Convention should have been signed in the name of Her Majesty containing such a passage; for which no satisfactory defence had been made by the Government. He was bound to admit, that his right hon. Friend had been successful with reference to the charge which the noble Lord had brought against the Government, of having tamely submitted to France and Spain. The paragraphs which his right hon. Friend had read sufficiently exculpated the English Government; and every one would rejoice that the honour of the country had not in that respect been tarnished by the hands of its Ministers. The noble Lord had been blamed for having, without notice, introduced so many subjects into the discussion; but he did not think the noble Lord could be justly blamed in that respect, as it was impossible, when a Convention, involving the subject of the Slave Trade was under discussion, to avoid introducing the topics to which the noble Lord had referred. [Sir *R. Peel:* The noble Lord had apologized for doing it.] There was no necessity for an apology. He could never hear the noble Lord address the House on the subject of the Slave Trade, without feeling how much they owed to him for his zealous and constant conduct during the long period of thirty-seven years, in endeavouring to suppress that traffic; nor could he forget the support which the noble Lord gave to a Motion which he (Sir R. Inglis) had formerly introduced on the subject, for which, and for the speech made by the noble Lord on that occasion, all who took an interest in the abolition of the African Slave Trade felt they owed him a debt of gratitude. He could not help taking advantage of the reference which the noble Lord had made to the existence of the Slave Trade in other parts of the world, to call the attention of the Government to a notice which he had given in the early part of the Session, and to the Motion which followed it, on the subject of the revival, or rather the creation, of a Slave Trade in our own Colonies, under the pretence of a voluntary migration. He believed they were giving good cause to their enemies in every part of the world to accuse them of gross political hypocrisy in the denunciations which they make of them with respect to the Slave Trade. He would refer, in the first instance, to the case of Trinidad. He believed that the hon. Gentleman the Under Secretary of State for the Colonies was aware that at a period when there was a greater necessity for supply of free labour than there now was, the planters of Trinidad had met, and had agreed to an Address which he would read to the House. They said—

"The committee, trusting that this equitable rule will be no longer opposed, and that a British subject will be allowed to obtain, in a fair and honourable way, the labour he may require wherever it can be found, are so convinced of the superiority of the source which Africa presents, that they recommend its being made available, even at a considerable expense, the whole of which, however, would be defrayed by the Colony. It is possible that on that extensive continent a sufficient number of suitable free labourers may be engaged, by which all difficulties will be surmounted. But it may be otherwise; and, instead of waiting until the period of failure arrives, the more prudent course will be to prepare and determine beforehand the measures which in such case should be pursued. The committee, therefore, after seriously considering the whole subject, both in its causes and consequences, presume to advise, if a sufficient number of free labourers are not to be found on the coast of Africa disposed to emigrate to our Colonies, that some of the unhappy persons who are held there in bondage should be purchased and manumitted for that purpose; sincerely believing that such a measure will immediately assure a successful issue to the experiment of free labour, and effect in a short period of time the extinction of the Slave Trade."

He should be doing imperfect justice to the Governor if he did not add, that as soon as the particulars of this Address reached the Governor of Trinidad, he caused to be written (on the 9th of July, 1841) this letter to the chairman of the body of planters:—

"*Government House, July* 9, 1841.

"Sir—I am directed by the Governor to acquaint you, in reply to your note to me of the 7th instant, that when his Excellency granted permission to the public officers to attend the meetings of the Committee of the Immigration Society, he was under the impression that this committee had been appointed for the purpose of procuring and 'furnishing information to the public in Great Britain with respect to the actual state of agricultural affairs in this Colony, and more particularly as to the real amount of wages paid to the labourers;' but as it now appears to the Governor that the investigations of the committee have extended to a much wider field, his Excellency declines any participation in its proceedings.

"I have, &c.,

"Arthur White, Colonial Sec.

"The Hon. John Losh."

These proceedings on the part of the planters were, he conceived, sufficient to show, at the same time, the demand for labour in the West Indies, and the unscrupulous manner in which the planters of Trinidad were prepared to supply it. This state of things in the West Indies led him to call the attention of the House to the state of things in Sierra Leone, where, according to the statement he had received, something much too like the Slave Trade was now going on. He held in his hand a letter from an individual at Sierra Leone, on whose authority he placed the utmost reliance, which detailed the circumstances that were occurring there. The letter was dated April 23, 1845; and, therefore, was written after the news had been received at Sierra Leone of a discussion in that House, the result of which was, that the Papers were ordered as to the emigration of free labourers from Africa to the West Indies; such free labourers being, in fact, Africans who had just been liberated from the holds of slave ships. It was distinctly asserted that there was no character of free agency at all about the consent of the negroes to go to the West Indies; for, independent altogether of other circumstances which he would immediately detail to the House, he had it on the authority of Mr. Pascoe Hill, that the Africans, when liberated from the slavers, (and, though his statement referred to parties liberated at the Cape, yet it must too often refer equally to all others liberated in Sierra Leone, and there exposed to the solicitations of the agents of the West India planters,) were in such a state of disease as to be unable to stand, and certainly utterly incapable of exercising any free discretion whatever. It appeared from the information he had received, that whereas up to the 8th of July last year, the negroes, when liberated from the slave ship, were allowed to remain for weeks and months in the Colony, they were now treated in the way which was related by his informant, whose words he would read to the House. He said—

"Imagine to yourselves a large yard, enclosed with a high stone wall, filled with Africans from a slave vessel: the door opens, the emigrant agent enters, and is received by these deluded people with demonstrations of joy—a simultaneous clapping of hands is heard. That man, who is bribing them to leave their native country for a distant land, of which they know nothing, is their friend; he gives them money, and tobacco, and salt beef, and promises to send them to a fine country: he is their friend—they clap him. But this is not all. Whilst the emigrant agent and his delegates have free access to the liberated Africans in the liberated Africans' yard, and to use these means to persuade these ignorant creatures to emigrate to the West Indies, all other persons, likely to describe

the West Indies in a different strain, are most carefully shut out, and not allowed to enter the yard. For this purpose, the 'gatekeeper' has strict orders to prevent people from entering the yard who have no business to transact at the department; and a few days ago an inhabitant of this village, who had been 'gatekeeper' for three years, was dismissed on a charge of allowing persons to enter the yard, which he denies. Whether his statement be true or not, here is a glaring fact, that from the time the slaves are landed to the time they are shipped off to the West Indies, their country people are not permitted to visit them. The resident liberated Africans may have a father, a mother, a sister, or a brother, among the newly liberated Africans; but they must not enter the yard; they cannot have the opportunity of recognising them."

Now, he contended that, under such circumstances, to call on persons so situated to exercise a discretion whether they would become recruits in the army or emigrants in the West India islands—for those were the alternatives proposed to them—was nothing less than a mockery of men who had now become their fellow subjects. It was a delusive choice, which in all probability would lead only to their misery, and, at any rate, contingently only to their benefit. Was it an imaginary supposition, that among those of their fellow countrymen who were excluded, there might be some nearly and dearly connected with those who were in the yard? This was borne out by the facts. His informant added—

"To show you that relatives may still be brought to the Colony in the hold of a slave ship, I will relate an interesting circumstance of the kind which lately occurred here. A Spanish vessel was brought into Sierra Leone, as a prize, containing a number of Africans, captured by a British cruiser. Among these persons thus mercifully delivered, the chief clerk of the liberated African department, himself a liberated African, found his mother's sister."

It might be said, that here the party must have had the opportunity of seeing his fellow countrymen, or he could not have discovered his relative. But that man enjoyed that privilege from his official situation; and this increased the hardship and injustice inflicted on the others. He was also informed, that so completely was this choice a mockery and a delusion, that the negroes were taken from the stone-yard by a back gate to the beach, to embark in the ships for the West Indies; for, "if they were but permitted," added the writer of the letter, "to walk through the streets o the beach on the day of embarkation, their country people would be sure to 'talk country to them.'" These were the facts which had been stated to him; he believed that some of them were within the knowledge of the hon. Under Secretary for the Colonies. He felt that, having in an early period of the Session brought the subject generally before the House, and having since received this communication, it was his duty to submit it to the House; and he could not find a more legitimate opportunity for so doing than the present.

Sir *Charles Napier* entirely agreed with the observations which had fallen from the noble Lord and from the hon. Baronet who had just sat down relative to the first paragraph of the preamble of the Treaty. It was in these words:—

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, considering that the Conventions of the 30th of November, 1831, and the 22nd of March, 1833, have effected their object in preventing the use of the English and French flags in carrying on the Slave Trade, but that this odious traffic still exists, and that the said Conventions are insufficient to ensure its complete suppression; His Majesty the King of the French, having expressed his desire to adopt more effectual measures for the suppression of the Slave Trade, than those contemplated in the said Conventions; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland being anxious to co-operate for the attainment of this object; they have agreed to conclude a new Convention, which, as between the two high contracting parties, shall be substituted in the place of the abovementioned Conventions of 1831 and 1832; and for that purpose they have named as their Plenipotentiaries, that is to say—"

they had made a new Treaty; but what had they given up? They gave up the Right of Search—the right which enabled the British Navy, on falling in with French vessels, to examine them within certain latitudes, and ascertain whether they were fitted up in the usual manner for the Slave Trade, or for conveying slaves to other vessels, or directly to the Brazils. Now what had they got in return for the relinquishment of that right? They had got the privilege of having twenty-six French vessels in company and conjunction with as many English vessels, in order, it would appear, that they might teach the French—as his right hon. Friend the Member for Dungarvon had eloquently expressed it—that they might teach the French all the arts of seamanship

in which British sailors excelled. Now he thought that to be just the most impolitic thing that the Government could possibly have done. He recollected that in 1830, when the French squadron had been first acting in conjunction with the British Navy in the North Sea and in the Mediterranean, a gallant officer compared the French vessels as being like so many floating islands. The next matter to which he would wish to allude was the Right of Visit. But was the right hon. Baronet so sure that the Right of Visit would not be as dangerous as the Right of Search, or that it would not, in a short time become equally obnoxious to the French Government as the Right of Search was? What was the Right of Visit? An English vessel on the coast of Africa discovers a vessel with French colours. If the officer in command did his duty, he should send a boat to her to discover whether there might not be some assumption of the French flag or not. Was it not almost certain that if the vessel assumed false colours, she would also have a crew dressed as French sailors, and every other necessary deception to correspond? It would be, therefore, the duty of the British officer to board the vessel; but then they should see the delicate and gentle manner in which the instructions which he had to follow had been prepared. It would really appear to have been prepared by some gentleman who had been all his life accustomed to drawing rooms only. The language was really amusing. It was as follows:—

"You are not to capture, visit, or in any way interfere with vessels of France; and you will give strict instructions to the commanding officers of cruisers under your orders to abstain therefrom. At the same time you will remember that the King of the French is far from claiming that the flag of France should give immunity to those who have no right to bear it; and that Great Britain will not allow vessels of other nations to escape visit and examination by merely hoisting a French flag, or the flag of any other nation with which Great Britain has not, by existing Treaty, the Right of Search. Accordingly, when from intelligence which the officer commanding Her Majesty's cruiser may have received, or from the manœuvres of the vessel, or other sufficient cause, he may have reason to believe that the vessel does not belong to the nation indicated by her colours, he is, if the state of the weather will admit of it, to go a-head of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her, to ascertain her nationality, without causing her detention, in the event of her really proving to be a vessel of the nation the colours of which she has displayed, and therefore one which he is not authorized to search."

He wondered what difference would exist between the manœuvres of a French, or a Spanish, or a Brazilian vessel under such circumstances. Perhaps the right hon. and gallant Admiral opposite (Sir G. Cockburn), would enlighten the House on that point. It then proceeds:—

"But should the strength of the wind, or other circumstance, render such mode of visiting the stranger impracticable, he is to require the suspected vessel to be brought to, in order that her nationality may be ascertained; and he will be justified in enforcing it if necessary:—understanding always, that he is not to resort to any coercive measure until every other shall have failed; and the officer who boards the stranger is to be instructed merely in the first instance to satisfy himself by the vessel's papers, or other proof, of her nationality; and if she prove really to be a vessel of the nation designated by her colours, and one which he is not authorized to search, he is to lose no time in quitting her, offering to note on the papers of the vessel the cause of his having suspected her nationality, as well as the number of minutes the vessel was detained (if detained at all) for the object in question; such notation to be signed by the boarding officer, specifying his rank and the name of Her Majesty's cruiser, and whether the commander of the visited vessel consents to such notation on the vessel's papers or not (and it is not to be done without his consent); all the said particulars are to be immediately inserted in the log book of Her Majesty's cruiser, and a full and complete statement of the circumstances is to be sent, addressed to the Secretary of the Admiralty, by the first opportunity, direct to England; and also a similar statement to you as senior officer on the station, to be forwarded by you to our Secretary, accompanied by any remarks you may have reason to make thereon. The commanding officers of Her Majesty's vessels must bear in mind that the duty of executing the instruction immediately preceding, must be discharged with great care and circumspection. For if any injury be occasioned by examination without sufficient cause, or by the examination being improperly conducted, compensation must be made to the party aggrieved; and the officer who may cause an examination to be made without sufficient cause, or who may conduct it improperly, will incur the displeasure of Her Majesty's Government."

Well, what would happen under these instructions? The captains of French merchant vessels cruising on the coast of Africa would feel well that England had been bullied into giving up the Right of Search. This was the plain meaning of

the Treaty; and whatever other terms might be applied to it, the generality of persons commanding French vessels would adopt that more correct description of what had been done, and believe that England had been bullied by France into an abandonment of the Right of Search. Well, a British cruiser might fall in with a vessel. She might be French or not; but the British officer could not ascertain that fact without sending a boat to board her. The French captain might possibly be a violent man. He might have a great deal of French pluck about him, and cry out, "I belong to *la Grande Nation,* and I want to know for what purpose I am detained." At such a time the smallest turn of the helm would be enough to run the boat down. He perceived the right hon. Baronet smile; but he could assure him that such occurrences were not uncommon. A French war cruiser might be in sight, and the captain of the French merchant vessel might say that he would go on board of her, and complain of the manner in which he had been treated, and thus disagreement and ill-feeling between the crews of the two vessels would be fomented. He would illustrate his view of what might take place by a circumstance which occurred to himself on the coast of Syria. They had orders to prevent Egyptian vessels from coming into the port of Beyrout, and an officer, in mistake, boarded a French vessel, which they had no right to do. He had intended writing a letter of apology to the French captain, when the gentleman came on board, and on being informed of his intention, very properly requested that the letter should be written. The letter was afterwards sent to the French papers, and the captain was cried up as being the greatest man that France had ever produced, because he had made an English 84 gun ship apologize to him. The French Government very properly made public a correct explanation of the matter; but the captain was actually presented with the Cross of the Legion of Honour for his conduct. He hoped his apprehensions would not be realized; but he certainly very much feared that the right hon. Baronet would find a great deal more difficulty to arise from the Right of Visit, than had ever been known under the Right of Search. There was one Article of the Treaty to which he wished particularly to direct the attention of the House, namely, the Fourth. It stated that—

"Treaties for the suppression of the Slave Trade shall be negotiated with the native princes or chiefs on the abovementioned part of the west coast of Africa, wherever it may seem necessary to the commanders of the English and French squadrons respectively. Such Treaties shall be negotiated by the commanders themselves, or by officers specially instructed by them to that effect."

Now he presumed that the term "respective" meant "conjointly," and that the superior officers of the two nations could not conclude any of these Treaties unless they could do so together. But then the Sixth Article was in these words:—

"Whenever it shall be necessary to employ force, conformably to the law of nations, in order to compel the due execution of any Treaty made in pursuance of the present Convention, no such force shall be resorted to, either by land or sea, without the consent of the commanders, both of the British and of the French squadrons. And if it should be deemed necessary for the attainment of the objects of this Convention, that posts should be occupied on that part of the coast of Africa before described, this shall be done only with the consent of the two high contracting parties."

Now, he would suppose that two commanders of French and British cruisers saw one of these Treaties, after being made, broken before their faces, and that one of the two commanders-in-chief had gone to Cape Verd, while another had sailed to the south; were they to have no power of destroying these baracoons until they could consult both their superior officers? He would also wish to know why they were not to have French cruisers on the eastern, as well as on the western coast of Africa, as he believed slavery was quite prevalent on the coasts of Madagascar? The crews of the other ships would constantly be in sight of those of this country—watching how they acted, copying them in all respects, and, in fact, learning the art of war. He should not be surprised if, not long hence, Russia were to volunteer to enter into a Treaty of the same kind with Great Britain, in order that her cruisers also might derive benefit from the education. He had little doubt that this was one of the reasons which induced France to enter into the Treaty. The right hon. Baronet had said that we had gained 6½ degrees as regarded the Right of Visit; but the truth, was, that we had the Right of Search before, and a Right of Visit also in southern latitudes; we always had possessed the power of ascertaining whether a vessel

really belonged to the country whose flag she bore. He did not see, therefore, what we had gained in this respect; and we had certainly lost upon other points. He would rather see the British Government sustaining the whole expense of fifty-two vessels of war, than acting conjointly with a French or any other squadron.

Mr. *G. W. Hope* wished to say a few words in answer to what had fallen from his hon. Friend the Member for the University of Oxford, and at that late hour of the night they would be but few. His hon. Friend had spoken of purchasing slaves for the purpose of emancipating them. He had, indeed, acquitted the Government of Trinidad on this subject; but he ought to have said that when proposals of the kind were made, they were met by a most decided negative. The British Government had objected to any proposal that might be so abused; and the noble Lord under whom he served was of opinion that the purchase of slaves in this way might virtually encourage the Slave Trade, under the pretence of free emigration, and the great body of the West Indians had never advocated any course laying them open to such a charge. The more immediate object of the observations of the hon. Baronet was the treatment of liberated Africans at Sierra Leone; and this very day, he (Mr. Hope) had had an opportunity of conversing with a lieutenant of the Navy, who had been engaged in the service: the account he gave did not lead him (Mr. Hope) to assent to the facts, much less to the deductions, of the hon. Baronet. It was undoubtedly the opinion of the Government that liberated slaves could be settled more satisfactorily to themselves in the West Indies than at Sierra Leone. On this point he might refer also to the statements of the Governor of Sierra Leone, himself a man of colour, and to the information derived from the members of the Mixed Commission. Hence it appeared, that at Sierra Leone the negroes worked at a low rate of wages, and although they had some means of education and spiritual instruction, they enjoyed none of the advantages possessed by the negroes in the West Indies. If not a slave, he was a mere drudge. To the same effect he might read an extract of a letter from Mr. Hooke, the Secretary to the Mixed Commission, who added that the liberated negroes often became wanderers among the mountains near Sierra Leone, and being retaken, were resold and reshipped as slaves. In one slave ship three were found who could talk English fluently, who had been liberated at Sierra Leone, who had been recaptured, resold to slavery, and retaken by a British cruiser. On the other hand in the West Indies wages were higher, comforts great, and means of religious instruction abundant. He contended, therefore, that it was the duty of Government, by every fair means, but by fair means only, to induce the natives to transport themselves from the coast of Africa. The hon. Baronet had contended that the negro had no real option, and that it was a mere mockery; but what he had said to-night did not well tally with his former statements and opinions upon the subject. The hon. Baronet had said, that the choice was frequently between starvation and emigration, and that bribes were held out in the shape of bounty money, tobacco, and promises of kind treatment, to induce them to go to the West Indies. At all events, this statement negatived any assertion of the use of force and compulsion; and the officer to whom he had before alluded, had enabled him to contradict it. He had asked him how it happened that so few liberated Africans were persuaded to go to the West Indies? and he had answered that it depended on the advice they received from their own countrymen; they were only to be reached by interpreters. The object was to give them a fair and free choice, to place the advantages clearly and truly before them; whereas, it would be inferred from the statement of the hon. Baronet, that no option was allowed, and that when once they had consented to go, they were not permitted to alter their determination. So far was this from being the case, that the negroes constantly changed their minds before they quitted Sierra Leone; and, in one instance, 180 had so changed their minds. It was evident, therefore, that the assertion of the hon. Baronet was ill-founded.

Captain *Pechell* stated, that the right hon. Baronet was completely mistaken as to the benefits which he expected to derive from the Convention. The right hon. Baronet attributed the clamour against the Right of Search in France to the feeling which had been excited against his noble Friend; but this was not the case, for nothing was heard on the subject until

Russia and other Powers were invited to join this country and France in Conventions similar to those of 1831 and 1833. He would refer to the authority of MM. Guizot and the Duke de Broglie. He denied that the Right of Search could not have been maintained if proper steps had been taken for that purpose. He was proud to find that a naval officer, much to his honour, stated this in the French Chamber. Admiral Roussin had stated there, that as he knew the Slave Trade could not be put down without the maintenance of the Right of Search, he would wave any jealousy with respect to the French flag on that point. He, therefore, thought that there was no ground for this country making the enormous sacrifice which had been made by this Convention. The Treaties with Spain and Portugal might also be thrown up on the same ground. The means which were to be adopted under the Convention would be perfectly harmless as regarded the Slave Trade; and it was a delusion to suppose that any assistance would be given by the French squadron for this purpose, unless by landing and taking possession of the slave factories on the coast. The French squadron could not stop slave ships under the Spanish, Portuguese, or Brazilian flags, because there were no Treaties between France and those Powers respecting the Right of Search. Much more harm would be inflicted on the commerce of England on the coast of Africa, by the presence of the French squadron there, than there was any chance of arising from any collision that would take place under the Right of Search. He could not conceive how any naval man could sanction such a sacrifice as had been made under this Convention.

Viscount *Palmerston* said, that he had very few observations to make in reply to what had fallen from the right hon. Baronet. The right hon. Gentleman had stated that, from his position in the Government, and from the great labour which he had to perform, it was difficult for him to reply entirely on the moment to observations which might be made on such a subject as the present. It arose from the present constitution of the Administration, as the Foreign Department had no representative in that House; and it was impossible for a Member of the Cabinet to send a copy of his speech, or even the heads of what he meant to say to the right hon. Baronet two or three days beforehand; but it was obvious on that occasion, that any deficiency in the reply of the right hon. Baronet did not arise from any want of knowledge or ability on his part, but because no one could properly answer the points which had been put. The right hon. Baronet had said that he had on every occasion taken the opportunity of speaking disparagingly of France. He denied it. He never thought of speaking disparagingly of France. Every sensible man must feel the greatest respect for the French nation; and must desire that France and England should be on the most friendly terms. He did not wish to boast of what had been done by the Government to which he had belonged; yet, he believed, that they did as much to cement a good understanding between the two countries as it was possible under the circumstances to accomplish. The right hon. Baronet had stated, that he was mistaken in stating that no remonstrance was made by the British Government to France for not ratifying the Treaty of 1841. He made his statement on the assertion of the French Minister in the French Chambers, who declared that England had made no remonstrance on the subject. He agreed with the right hon. Baronet that the refusal to ratify the Treaty, was not a cause for war between the two countries. He would go further, and say, that it was not a cause for any serious coldness between the two Governments; but, for the sake of example and precedent, it would have been well to have written, not merely a despatch to the English Ambassador, but a note to the French Government, stating calmly and dispassionately the reasons why this Government objected to the course taken by them on the subject. He was inclined to doubt whether Her Majesty's Government acted prudently in declining the profered modifications of France, especially if they were only of a trifling and immaterial character. It was likely that the rejection of those modifications was the cause why the ratification of the Treaty was not made. The right hon. Baronet had referred to the despatch addressed by him (Viscount Palmerston) to Lord Granville on the 7th of April, 1831, by which was proposed to the French Government an unlimited Right of Search. To this proposition, France gave a positive refusal. It was then proposed, that a temporary arrangement should be made between

the two Governments, for interchanging warrants without founding them on any Treaty. That proposal pleased the French Government, and they agreed to it; but, instead of its being made an experimental and temporary arrangement, France consented to embody it in a Treaty. The moment it was so embodied, it no longer remained a matter of arrangement between the two Governments. The right hon. Baronet must, therefore, admit that he had misunderstood the nature of the Treaty. All he (Viscount Palmerston) could say, with respect to the number of cruisers to be maintained by the two Governments was, that this country had treated with France as a Power acting upon the principles of honour and self-respect. He never believed France would seek to avail herself of any means of evasion. He would not now, believe, that if the Government had refused to abrogate the Treaty, France would not have felt it due to her honour and dignity to act upon the fair spirit and meaning of it. With reference to the explanation given by the right hon. Baronet of the nature of the evidence given by the officers before the Commissioners, he (Viscount Palmerston) was willing to make a bargain. If the right hon. Baronet would give him a list of the names of the witnesses examined, and an extract of such parts of their evidence as related to the value of the mutual Right of Search, as a means for the suppression of the Slave Trade, he would modify his Motion to that extent. He would in that case leave it to the Government to use their perfectly free and unqualified discretion to select the passages aud expressions of the witnesses. But if the right hon. Gentleman refused to do this, he should feel it his duty to take the sense of the House upon the Motion as it stood.

The House divided:—Ayes 51; Noes 94: Majority 43.

List of the AYES.

Archbold, R.	Dalmeny, Lord
Baring, rt. hn. F. T.	D'Eyncourt, rt. hn. C.
Berkeley, hn. Capt.	Dungan, G.
Blake, M. J.	Dundas, Adm.
Brotherton, J.	Ebrington, Visct.
Chapman, B.	Esmonde, Sir T.
Christie, W. D.	Etwall, R.
Clements, Visct.	Ferguson, Sir R. A.
Cowper, hon. W. F.	Forster, M.
Craig, W. G.	French, F.
Curteis, H. B.	Granger, T. C.
Hindley, C.	Russell, Lord J.
Holland, R.	Seymour, Lord
Horsman, E.	Sheil, rt. hn. R. L.
Hutt, W.	Shelburne, Earl of
Inglis, Sir R. H.	Sheridan, R. B.
Labouchere, rt. hn. H.	Smith, rt. hn. R. V.
Leveson, Lord	Somers, J. P.
Mangles, R. D.	Somerville, Sir W. M.
Martin, J.	Vane, Lord H.
Moffat, G.	Vivian, J. H.
Morris, D.	Warburton, H.
Napier, Sir C.	Wawn, J. T.
O'Connell, M. J.	Wyse, T.
Ord, W.	TELLERS
Palmerston, Visct.	Tufnell, H.
Redington, T. N.	Pechell, Capt.

List of the NOES.

Acland, Sir T. D.	Henley, J. W.
A'Court, Capt.	Herbert, rt. hon. S.
Antrobus, E.	Holmes, hon. W. A'C.
Bailey, J.	Hope, Sir J.
Baillie, Col.	Hope, hon. C.
Baldwin, B.	Hope, G. W.
Barkly, H.	Hotham, Lord
Baring, rt. hn. W. B.	Hughes, W. B.
Barrington, Visct.	Jermyn, Earl of
Blackburne, J. I.	Jocelyn, Visct.
Boldero, H. G.	Lennox, Lord A.
Bowles, Adm.	Lincoln, Earl of
Boyd, J.	Lockhart, W.
Bramston, T. W.	Mackenzie, T.
Bruce, Lord E.	Mackenzie, W. F.
Buckley, E.	M'Neill, D.
Buller, Sir J. Y.	Mahon, Visct.
Cardwell, E.	Marjoribanks, S.
Carew, W. H. P.	Masterman, J.
Christopher, R. A.	Meynell, Capt.
Chute, W. L. W.	Mildmay, H. St. J.
Clerk, rt. hon. Sir G.	Milnes, R. M.
Clive, hon. R. H.	Neeld, J.
Cockburn, rt. hn Sir G.	Neville, R.
Corry, rt. hon. H.	Nicholl, rt. hon. J.
Courtenay, Lord	Peel, rt. hon. Sir R.
Damer, hon. Col.	Praed, W. T.
Darby, G.	Pringle, A.
Denison, E. B.	Pusey, P.
Douglas, Sir H.	Rashleigh, W.
Escott, B.	Sanderson, R.
Estcourt, T. G. B.	Scott, hon. F.
Fitzroy, hon. H.	Shaw, rt. hon. F.
Flower, Sir, J.	Smith, rt. hn. T. B. C.
Fox, S. L.	Smollett, A.
Fremantle, rt. hn. Sir T.	Somerset, Lord G.
Gaskell, J. Milnes	Stuart, H.
Gladstone, Capt.	Sutton, hon. H. M.
Gordon, hon. Capt.	Tennent, J. E.
Gore, W. O.	Trench, Sir F. W.
Gore, W. R. O.	Trevor, hon. G. R.
Goulburn, rt. hon. H.	Vesey, hon. T.
Graham, rt. hn. Sir J.	Waddington, H. S.
Greenall, P.	Wellesley, Lord C.
Greene, T.	Wortley, hon. J. S.
Grimston, Visct.	
Hamilton, G. A.	TELLERS.
Hamilton, W. J.	Young, J.
Hamilton, Lord C.	Baring, H.

COLLEGES (IRELAND) BILL.] On the Order of the Day for bringing up the Report on this Bill,

Mr. *Wyse* moved—

"That it is the opinion of this House, that whereas the Act of Settlement enacts that a College be annexed to the University of Dublin in addition to the College of the Holy Trinity, under the name and title of King's College, and the Act of 1793 provides that all future Colleges that may be annexed to said University, after the passing of that Act, be open to Roman Catholics and Protestant Dissenters equally with Protestants, in all their honours and emoluments, as well as studies; the Colleges proposed to be founded under the present Bill be annexed to the said University under the conditions which the Act of 1793 prescribes."

Sir *James Graham* resisted the Amendment, as totally unconnected with the main object of the Bill. He could not believe, indeed, that the hon. Gentleman was serious in pressing his Motion; and, therefore, he should not trouble the House at that hour by entering into the subject.

Mr. *Shaw* said, he would have abstained, and particularly at that late hour, from saying a word upon the subject, but for two incorrect statements, having reference to the University of Dublin, which he desired to correct. The first was, that the original charter, by Queen Elizabeth, did not contemplate any distinctions in the religious creed of the students to be educated at Trinity College; but the reverse was the fact, for not only would such an interpretation be opposed to the whole tenor of the policy of those times, but the 2nd Eliz., chap. 1, expressly enacted that "all and every person or persons which shall be preferred to any degree of learning in any University, shall, before being preferred to such degree, take and receive the Oath of Supremacy." And, in fact, no Roman Catholic was permitted to graduate before 1793. The hon. Gentleman was in error, in averring, that the Act of Settlement had enacted that a College should be annexed to the University of Dublin, in addition to the College of the Holy Trinity; whereas the Act of Settlement only enabled the Crown, if it thought fit, to add another College, and to endow it from the restored lands, but not from the estates of Trinity College. He would object to such a course practically—not only on account of the great difficulties connected with the vested property and rights of Trinity College—but also because, as he had before stated to the House, he considered there was already a more than sufficient supply of what could be strictly called university education in Ireland; and that the new Establishments under that Bill would be very useful in their way, but as affording a different kind of education.

Motion negatived.

The Report received. Bill read a third time.

House adjourned at two o'clock.

HOUSE OF COMMONS,

Wednesday, July 9, 1845.

MINUTES.] NEW MEMBER SWORN. Sir John Thomas Buller Duckworth, Bart., *for* Exeter.

BILLS. *Public.*—1°. Bonded Corn; Spirits (Ireland); Excise Duties on Spirits (Channel Islands); Unclaimed Stock and Dividends.

2°. Borough and Watch Rates; Bankruptcy Declaration.

3°. and passed:—Schoolmasters (Scotland).

Private.—*Reported.*—London and Croydon Railway, (Chatham to Gravesend).

3°. and passed:—St. Matthew's, Bethnal Green, Rectory.

PETITIONS PRESENTED. From Hereford, against the Ecclesiastical Courts' Bill.—By Mr. Bouverie and the Lord Advocate, from Ayr and other places, against the Universities (Scotland) Bill.—By Mr. Bannerman and several other hon. Members, from Aberdeen and several other places, in favour of the Universities (Scotland) Bill.—By Mr. Stansfield, from Stockholders and other Inhabitants of New South Wales, for Repeal of certain Acts relating to that Colony.—By Mr. B. Chapman and other hon. Members, from the County of York, for Ten Hours' Bill in Factories.—By Mr. Bellew, from Louth (Ireland), for Alteration of Law relating to Landlord and Tenant (Ireland) Bill.—By Lord Henniker, from Joseph John Lay, M.D., in favour of Physic and Surgery Bill.

LUNATIC ASYLUMS AND PAUPER LUNATICS BILL.] On the Motion that the House go into Committee on the Lunatic Asylums' Bill,

Mr. *Liddell* complained that not one Member of the Government was present on this occasion. The point on which he wished to get some information was, whether parties who had embarked large sums in private Lunatic Asylums, all of which were conducted with great care, skill, and humanity, would be injuriously affected by the Bill. He highly approved of the principle of the Bill; but he hoped it would not be allowed to operate injuriously to those parties to whom he referred.

Mr. *Williams* also concurred in the principle of the Bill, but regretted that a measure of such importance should not have been introduced at an earlier period of the Session. He also trusted that the parties to whom reference had been made, would be adequately protected, as far as

such protection did not militate against the principle of the Bill or the interests of the public.

Mr. *P. Howard* thought, that at this late period of the Session, it was unjust to throw upon parishes and small counties such large expenses as this Bill would entail; and, unless the Bill was greatly modified in this respect, he would, on the third reading, take the sense of the House on an Amendment to have the Bill postponed to next Session.

House in Committee.

On Clause 75,

Mr. *T. Duncombe* proposed as an Amendment, to leave out from the word "Asylum" to the end of the Clause, in order to insert the words—

["Notice of the same shall be sent to the Coroner having jurisdiction where such Asylum is situated, who shall cause an Inquest to be held touching the cause of such patient's death."]

Question put "That the words proposed to be left out stand part of the Clause."

Committee divided:—Ayes 37, Noes 4: Majority 33.

UNIVERSITIES (SCOTLAND) BILL.] Mr. *Macaulay* rose to move the Second Reading of the Universities Scotland Bill. He said: I have been requested by my right hon. and learned Friend the Member for Leith (Mr. Rutherfurd), to act as his substitute on this occasion. I very greatly regret that a substitute should be necessary. I regret that we have not him among us to take charge of this measure, which he introduced to a very thin House indeed, in one of the most forcible and luminous speeches it has ever been my lot to hear. The few hon. Members, however, who were then present, cannot fail to remember the powerful effect which the speech of my hon. and learned Friend, on applying for leave to bring in the Bill, produced. The Ministers who came down to oppose it relinquished their objections to it. They hesitated; they consulted together; and at last, under the irresistible influence of his eloquence, they consented that he should have leave to bring in the Bill. They subsequently appeared to regard the Bill with favour, and his hon. and learned Friend, with himself, was thus induced to expect that the opposition to it was over. We anticipated that this important and salutary measure would be suffered to become law. But we have been disappointed. It has been intimated to us that it is the intention of Her Majesty's Government to resist the further progress of the measure; and under these circumstances I now rise to move the Second Reading of the Bill. Were this an ordinary occasion, I should, under such circumstances, despair of success; but when I consider the strength of our cause, and recollect the justice and necessity on which it is founded, I cannot think it possible that even the opposition of Her Majesty's Government could succeed against it. I should consider success not only possible, but certain, if I did not know how imperfectly most English Gentlemen are informed on subjects immediately connected with Scotland. It is on this account that, departing from the ordinary course, I think it necessary, even after the able and eloquent statement of my hon. and learned Friend in introducing the measure, to address the House, instead of simply moving the second reading of this Bill; and in doing so I shall beg the attention of the English Gentlemen present to the state of Scotland. I hope that they will think that on this occasion the Member for Edinburgh has some right to their indulgence. I have been sent to this House as the Representative of a great city, which was once the capital of an independent kingdom—once the seat of a Court and of a Parliament; and, though for the general good it descended from that eminence, it still continues the intellectual metropolis of a great and intelligent people. Their chief distinction of late years has been derived from their University, which was practically constituted on the pure principles of toleration now advocated by Her Majesty's Ministers. So constituted, it has flourished during several generations, a blessing to the Empire, and renowned, to the furthest ends of the world, as a great school of physical and moral science. This noble and beneficent institution is now threatened with a complete and ignominious alteration in its character by the shortsighted and criminal policy of Her Majesty's Government, and by the virulence of ecclesiastical faction, which is bent on persecution, without even the miserable excuse of fanaticism. Nor is it only Edinburgh that is threatened. In pleading for it, I plead for all the great academic institutions of Scotland. The fate of all depends on the discussion of this night; and, while pleading for them, I am confident that I shall be heard

with favour by every one who loves learning and religious liberty. I shall now proceed, therefore, without further preface, to the consideration of the Bill before the House. I say, first, that this Bill is founded on a sound principle. I say, secondly, that even if the principle of this Bill were not one which could be defended as generally sound, still the principles of the Ministers should make them desirous of passing the Bill; and, thirdly, I say, that if the Bill ought to pass, it ought not to be delayed by the Government. I state, first, that the principle of this Bill is a sound principle; and whoever else may undertake to controvert that assertion, by Her Majesty's Ministers, at least, it cannot be controverted. From their mouth a declaration will not sound well, that literary and scientific instruction is inseparably connected with spiritual instruction. It will not do for them to rail against the principle of this Bill as establishing "a godless system of education;" or to talk with horror of the danger of young men listening to lectures delivered by an Arian professor of botany, or a Popish professor of chemistry. They have contended that those sciences can be taught without reference to a religious creed. They have, for a country in which a great proportion of those who require academical education are dissenters from the Established Church, advocated a system of academical education altogether separate from religious tests. In that case they have thrown open the professorships to every creed; and they have strenuously defended this principle against attacks from opposite quarters—against the attacks of zealous members of the Church of England, and of the prelates of the Church of Rome. A test was offered only the day before yesterday for their acceptance by the hon. Baronet the Member for North Devon (Sir T. Acland), a test singularly moderate, merely requiring the professors to declare their belief in the divine authority of the Old and New Testaments; and even this test the Ministers resisted as inconsistent with the principles of their measure. It was then argued that it was unnecessary to apply such a test to professors of secular science; that it was unworthy to insinuate that they would inculcate infidelity on their pupils; and all men must remember with what scorn the Ministers discarded the notion that science could not be taught except in conjunction with a religious creed. The right hon. Gentleman at the head of the Government said that it was utterly impossible to suppose that the professors would stoop to conduct anything so degrading, and abuse the confidence reposed in them. We heard in other quarters the use of very different language; but that language made as little impression on Ministers as on me. We were told that secular knowledge, unsanctioned and unaccompanied by sound views of pure religion, was not merely useless, but was positively noxious—that it was not a blessing, but a curse. I respect most deeply some of those who used that language; but it appears to me that this proposition is one which, while you state it in merely general terms, may possibly have a pleasing sound to the ears of some persons, but which, when brought to a test by applying it to the real concerns of life, is so monstrous and ludicrous that refutation is out of the question. Is it seriously meant, that if the captain of an Indiaman should be a Socinian, it would be better that he should not know the science of navigation; and that if a druggist should be a Swedenborgian, it would be better that he did not know the difference between Epsom salts and oxalic acid? Is it seriously meant, that 100,000,000 of the Queen's subjects, being Mahomedans and Hindoos, and progressing towards our state of civilization, should be sunk below the aborigines of New South Wales, without an alphabet, and without the rudiments of arithmetic? Gentlemen who mean seriously that secular knowledge, unsanctioned by a pure system of religion, is a positive evil, must go that length; but I should think that no sane man would be found to do that. At least, I never could conceive how an error in geology or astronomy could be corrected by divinity, or how a man well acquainted with his Bible could be saved from scientific errors. On these grounds, I cordially supported the measure which Her Majesty's Government introduced with respect to the Irish Colleges. The principle of the Irish Colleges Bill, and the principle of the Bill the second reading of which I now move, are the same; and the House and the country have a right to know why those who bring in the Irish Colleges Bill call on us to throw out the present Bill. It is most true, that in Scotland there is no clamour against the English connexion. It is true, that in Scotland there is no demagogue who thinks to obtain popular favour by attempting to excite animosity against men of the English race; and it is true, that in Scotland there

is no party who would venture to speak of the enemies of the State as possible to be, under any circumstances, the allies of Scotland. In every extremity the Scotch people will be found faithful to the common cause of the Empire; but it will not, I hope, be thought—I am sure that, at any rate, it will not be publicly avowed—that on this account a measure bestowed as a boon on another part of the Empire, ought to be withheld from Scotland. But if this is not the distinction, where are we to look for a distinction? In Scotland, as well as in Ireland, unhappily, the Established Church is the church of the minority of the population. It is perfectly true, that the proportion of Dissenters to the Established Church in Scotland is not so great as in Ireland; but we cannot say that on this occasion we are dealing with the whole of the population. The question concerns that class which requires academical education; and among that class in Scotland the proportion of Dissenters from the Established Church, it would not be very difficult to show, is as great as the proportion of Roman Catholics among a similar class in Ireland. If it is desirable that there should be no sectarian education in Ireland, it is no less desirable in Scotland. If it is desirable that Protestants and Catholics should study together at Cork, it is no less desirable that the sons of elders of the Established Church of Scotland, and the sons of those who are separated from that Church, should study together at Edinburgh. If it is not desirable to require from Irish professors a declaration that they believe in the divine authority of the Gospels, on what ground is it necessary to call on the Scotch professors to say that they assent to every clause in the Confession of Faith? I defy right hon. Gentlemen opposite, with all their ingenuity and eloquence, to find one argument or rhetorical topic bearin gagainst this Bill, which would not be as effectual against their own Irish Colleges Bill. I consider this Bill, then, as safe from attack, with respect to its principle, from Her Majesty's Ministers. But I go further; and I say that, even if I did not hold the principle of this Bill to be most sound and excellent, I could still show, in the peculiar case of Scotland, some irresistible reasons for adopting the Bill, and for inducing many who even voted against the Irish Colleges Bill, to vote in favour of the present Bill. In the first place, I would call attention to the peculiar character of academical institutions in Scotland. The case of Scotland differs widely from the case of England and from the case of Ireland. The English Universities have a character of their own—an ancient, deeply marked character. It may be good, or may be bad; that question I will not now argue; but this we must acknowledge, that it is in perfect harmony with the system of tests. The Irish Colleges have no character. They have to receive their character from the Legislature, and we may impress on them what character we please. If we think it desirable to give them a character not in harmony with the system of tests, we may do so. But the Scotch Universities have a distinct character, as strongly marked as that of the English institutions, and altogether out of harmony with the system of tests. I entreat English Gentlemen not to suppose that the system of discipline or mode of instruction in them is like that in the English Universities, or that there are such authorities in them as the Provost of King's College is, or the Warden of New College. This is a distinct question from anything connected with the English Universities, and is to be decided on different grounds. We are not introducing a precedent for allowing Dissenters to be professors at Oxford and Cambridge. There is, in fact, no analogy whatever between the Universities of the two countries. What ought to be done with respect to the English Universities is a perfectly distinct question, and to be dealt with on perfectly distinct grounds. The object of the Universities of Cambridge and Oxford is, to bring up young men in connexion with a particular Church. At Cambridge, no person is suffered to graduate without declaring his adhesion to that Church. The rule at Oxford is even more strict; for on matriculation a declaration on oath must be made. The discipline, even outside the walls of the Colleges, is analogous to that pursued within. The students are lodged in the Colleges, and are obliged to attend to the strictest regulations with regard to their conduct, and to attend constantly in chapel and in hall. A person is appointed in each College to note the absence of the young men from divine service, another to watch their absence from hall, and another to keep account of those who return to the College at late hours; and University officers parade the streets by night, as a sort of University police, to seize upon any students they may find beyond the walls of their respective Colleges. In these Universities, there are

punishments for any breach of decorum, and the authorities of the University have the power of control over the conduct of the pupils. The Scotch Universities are of a different nature. They do not pretend to inculcate one form of religious opinion more than another; a Jew might become a Master of Arts or a Doctor of Medicine as readily as a member of the Church of Scotland. No academical authority has a right to ask a young man attending the University whether he went to the Synagogue, or the Catholic chapel, to the Free Church or the Established Church. As to the moral conduct of the young men beyond the walls of the University, no influence could be exercised, and none of the heads of it could interfere with a student for conduct in the streets of Edinburgh. The proceedings in Edinburgh were similar to branches of scientific education in London. A young man might attend lectures at St. George's Hospital, or the lectures of Mr. Faraday in Albemarle Street, to learn chemistry, and of Mr. Carlyle on German literature, without any interference on the part of his instructors beyond the lecture room. Would it not be absurd to require a religious test from the lecturers to medical students at St. George's Hospital, at Surgeons' Hall, or in other places where science was taught? The relation between those parties being exactly analogous to the relation existing between the Scotch professors and Scotch students, on what principle can we defend the requiring of religious tests from the Scotch professors? If I held all the opinions of those Gentlemen who most dislike the Scotch system, I should say, after all, that in such a system religious tests would be out of place. Where you aim at bringing up young men as members of a particular Church, there is a reason for requiring from all who educate, a test to show that they belong to that Church; but where you do not propose to inculcate certain religious opinions, it is absurd to require that men should be Protestants before they give lectures on chemistry, or Trinitarians before they can take medical degrees. I therefore say, that the peculiar character of the Scotch Universities is, in my opinion, one strong reason to agree to this Bill. The peculiar engagements which exist between the English and Scottish nations also appear to me a strong reason for adopting the Bill. Some Gentlemen may think that I am venturing on dangerous ground. We have heard that the Treaty of Union and the Act of Security require us to prevent the passing of such a measure. I say that by those Acts I am not bound to throw this measure out; but that I am bound to adopt it, or some measure to the same effect; and this I undertake to prove by irresistible arguments. I shall resort to no paltry quibbling with the view of explaining away words. I utterly repudiate such an attempt when made in reference to questions like this. If I thought that the public exigencies required us to break through the Treaty of Union, I would say so openly, and should never quibble at words. I mean to deal with the Treaty of Union as a solemn engagement. In what sense was that Treaty adopted by the contracting parties; and more especially, in what sense was it understood by that party which, if there is any doubt, ought to prevail, that party being the weaker party, and standing in need of a guarantee? It was declared by that Treaty that no person should be a teacher or office-bearer at the Universities who did not subscribe to the Confession of Faith; or, in other words, did not declare his adhesion to the Established Church. What Established Church was that? It was the Church established in 1707, when the Union was adopted. Is the Church of Scotland, at the present moment, on all points constituted as that Church was in 1707? I answer, certainly not. The British Legislature violated the Articles of the Union, and made a change in the constitution of the Church of Scotland. From that change has flowed almost all the dissent now existing in Scotland; and if you attempt to enforce the letter of the Articles of the Act of Union against the Dissenters, you are actually excluding from acting as officers of the Universities precisely those persons to whom the Act of Union meant to give the exclusive possession of the academic offices. This I undertake to prove. Every person who knows anything of the ecclesiastical history of Scotland must be aware that in the opinion of the great body of Scotch Presbyterians, the mode in which pastors are appointed is a matter of great importance. From the time of the Reformation the great body of Scotch Presbyterians held that in some form or other the people ought to have a share in the appointment of their ministers. They do not consider this as a thing indifferent; they consider it as a matter *jure divino*, for they think that according to the revealed word of God, no individuals are entitled to be ministers to congregations if their preaching does not tend to edify the congregations. I am sure that I do not exaggerate when I say that

members of the Church of England do not attach more importance to their ecclesiastical government and ordination, than many Scotchmen who fear God and honour their Queen, attach to this right of a popular voice in the choice of their spiritual ministers. What was the state of the Church of Scotland as constituted in 1707? It was constituted in a manner satisfactory to the great part of the Presbyterian body. In 1690, the Act was passed for the regulation of the presbyteries, and giving to popular bodies a share in the election of the ministers, which then was considered an essential principle of the Church of that country. The Church of Scotland was so constituted when England entered into the solemn engagement with Scotland, by which the two countries were united, and in which it was declared that the then form of the Church should remain and continue unalterable. But five years after the Union there was a violation of this Article of the Union—a violation, the consequences of which I never think upon without regarding them as one of the most solemn warnings history presents to States, always to keep public faith strictly inviolate—and without a conviction, that in the end, though long periods, though whole generations may elapse, retribution for the injustice will come. In the year 1712, it is well known how the country was governed: the Whigs, who were the chief authors of the Union, who had carried on the war with Louis XIV., had been driven from power; they had fallen in consequence of the prosecution of Dr. Sacheverell, and the enmity of the Church of England. A Tory Ministry was in office—brought in and kept in by the Tory country gentlemen. The heads of that Ministry, but still more its followers, regarded the Presbyterians of Scotland with great dislike; that was a feeling which persons acquainted with the writings of Swift would know existed at that time. The general feeling was, that the English nation and the English Church had made a bad bargain, of which they were desirous to get rid, and which as far as they possibly could, without risking the general safety of the State, they ought to violate. During their short period of power they did offer numerous petty insults to the opinions, or, if you please, the prejudices of the Presbyterians; but the chief act on which they ventured was the introduction of a Bill abolishing the law of 1690, and giving back the power of filling up vacant benefices to lay patrons. Of the history of that Bill we have a little in Burnet, and we have something very significant in our own Journals. The measure was hurried on with the greatest speed, that it might be got through the House before intimation of it could reach Scotland; for those were not the days of railroads, when a speech made at two or three o'clock in the morning, is read the same day at Exeter and Newcastle. The significant entry on our Journals respecting it is this—there was an obstinate fight, and in the debate on the third reading, it was ordered that the Act of Union and the Act of Security should be read to the House. This is a pretty clear indication of what the feeling was on that occasion. But the Bill got up to the House of Lords; then came a petition from the General Assembly of Scotland against it. The first name attached to the petition was that of Carstairs, an eminent man, who had enjoyed the confidence of William III., and well known for the share he took in the establishment of the Church of Scotland after the Revolution. In that petition their Lordships were prayed not to violate the Act of Union; but party spirit ran high, and bore down all opposition; the Act of Union was violated; year after year the General Assembly protested against the violation, but in vain; and from the Act of 1712, undoubtedly flowed every secession and schism that has taken place in the Church of Scotland. It is true that the Act being upon the Statute Book was not a necessary reason that men should secede from the Church; but as often as it was put in execution, so often the Act of Union was violated again; as often as the subject was agitated by the operation of the Bill, so often these secessions took place. It is not my intention to detain the House with the minute history of these separations, but in consequence of the operation of the Act, the seceding Ministers formed the Associate Presbytery; and in 1752, the Relief Church was established. Even in our own time we have had similar instances; only two years ago we saw, not perhaps with unmixed approbation, but with strong sentiments of admiration, 470 ministers leaving their parishes and manses, throwing up their stipends, and committing themselves, their wives and children, to the care of Providence in this cause. Their congregations adhered to them firmly, followed them in crowds, and, surrounded by willing and delighted hearers, they preached in other churches, or, if none could be obtained, in tents and barns, or on those hills and moors to which in other times their ancestors fled, and

worshipped God in despite of Lauderdale and Dundee. They were supported by their congregations, and the spirit in which every one contributed resembled that in which the widow of old threw her mite into the treasury at Jerusalem. Through whole districts, in whole counties, on the other hand, the ministers of the Establishment were preaching to empty walls. This was the fruit of the Act of 1712; from the Act of 1712, sprang the disputes which led to these distinct and repeated secessions. The repeal of that Act, and a return to the constitution of the Church of Scotland as it existed at the time of the Union, would have sufficed to heal the wound that had been inflicted. This is the true history of dissent in Scotland, and, knowing it, can any English statesman have the front to invoke the Treaty of Union and the Act of Security against those who hold those precise opinions which the Treaty of Union and the Act of Security were intended to protect, and who are Dissenters only because that Treaty and that Act have been violated? I implore the Gentlemen of England to think over the manner in which England has acted towards the Presbyterians of Scotland. First, by a solemn Treaty with the people of Scotland, you bound yourselves to maintain inviolate the constitution of their Church as it then existed; and five years afterwards you changed the constitution of that Church in a point which the people of Scotland regarded as essential; in consequence of which, secession after secession takes place, one great body of worshippers after another leaves the Church, till the Establishment is reduced to the Church of the minority; then begin your scruples about the Act of Security and the Treaty of Union; then you cannot depart from the letter of your contract; then if we ask for justice you turn away your faces, and say you must perform your engagements; then you appeal to Acts of Parliament, not to put the Church in the same situation she held in 1707, but to persecute those who adhere firmly in faith, doctrine, and discipline to the constitution of the Church of Scotland. These are the present conscientious scruples of Her Majesty's Government; but I must say that even its sugar scruples, though they made it the laughing-stock of Europe and America, sink into insignificance when compared with these. Can they have a doubt of this sort? Can they have a doubt of the *animus imponentis* of the Bill of 1712, when they see the names of those who opposed it, the name of Carstairs and of Boston, the author of *The Fourfold State*? Suppose we could call them up from their graves, and explain to them the revolutions which have since their time taken place in the Church of Scotland, and then ask them "Which of these was your Church at the time of the Union, for the protection of which the Articles of the Union and the Act of Security were made?"—have you the slightest doubt of what their answer would be? They would say, "Our Church was not the Church you protect, but the Church you oppress; our Church was the Church of Chalmers and Sir David Brewster, not that of Brice and Muir." I am entitled to make a strong appeal to those Members of the House of Commons who are attached to the Church of England. If they think the Bill now proposed will not be in truth a violation of the Treaty of Union, but that it is, as far as it goes, a small reparation for the injustice committed on that Treaty, I ask, how can they vote for tests that exclude men of their own religious persuasion from the Universities of Scotland? We may differ as to the countenance we may give to what we view as error, but he incurs a grave responsibility who persecutes that which he believes to be truth. Yet that will be the position of the zealous member of the Church of England, who gives his vote to-night against the Bill on the Table, which affects Episcopalians as well as Presbyterian seceders. There is another argument which seems stronger still in this regard in favour of the Bill. You may say you are averse to removing these tests; but the question is not whether you will remove these tests, but whether you will impose them? The laws imposing these tests have fallen into disuse. We have heard that disuse made an argument by the right hon. Baronet the Home Secretary in favour of the Irish Colleges Bill; he said "the experiment has been tried—in Edinburgh, these tests have been disused for near a century." I implore the House to remember this; we are called on to establish Colleges in Ireland without tests, and yet we are asked to introduce a system of tests into the University of Edinburgh ten times as stringent as the test the hon. Baronet opposite (Sir T. Acland) proposed to introduce into the Bill for establishing Colleges in Ireland! Is it possible the House of Commons will bear out the Minister in such an attempt as this? These tests have long been dormant in Edinburgh;

I do not exaggerate, when I say there are at least ten professors who have not subscribed the tests. Let the right hon. Baronet the First Lord of the Treasury, give the House some information on this point, for he has been himself Lord Rector of the University of Glasgow. And observe, Episcopalians are precisely the class of men whom these tests were meant to exclude; the tests were made rather against Prelacy than against Papists; at that time it was much more likely that a Papist should have been punished by the penal laws than made a professor. Every one knows that the right hon. Baronet the Secretary for the Home Department, and the noble Lord the Secretary for the Colonies, have also been Lord Rectors of the University of Glasgow; they know practically, that these tests are obsolete. Being to this extent obsolete, why are they now imposed? Having so long slept, the attempt is made to revive them, precisely because a schism has taken place, and there has been a vigorous demonstration of differences which you might have laid to sleep for ever. They were not enforced while the Church of the people was the Church of Scotland; but you begin to enforce them as soon as the majority of the people become Dissenters. You enforce them as they never were enforced before; and the very moment you do so you make the Universities sectarian bodies. The Presbytery certainly deserves credit for striking at high game; their attack is against Sir David Brewster. I hold in my hand the libel. The word is here used in its technical meaning; in the law language of Scotland, equivalent to "charge" or "declaration" in this case of Sir David Brewster, containing the proceedings taken with the view of ejecting him from his office as Principal of St. Andrew's College, his offence being neither more nor less than this—that he adheres in all points to the doctrine and discipline of the Church of Scotland as it existed at the time of the Union. Here we have an instrument put forward against him conceived in such a spirit that I must say with respect to the Presbytery, that it will have very little right on any future occasion to say anything about the arrogance and intolerance of the Vatican. The libel declares—

"That the Senatus and Faculty of the University of St. Andrew's ought to be required forthwith to redress the evil which you have brought upon the Church, by taking all steps competent to them for removing you from the office of Principal of the United College, and that the Senatus be required to report to the Presbytery, *quam primum*, what steps they have adopted to effect this, that you may be removed from your office, and visited with such other censure or punishment as the laws of the Church enjoin for the glory of God, the safety of the Church, and the prosperity of the University, and to deter others holding the same important office from committing the like offence in all time coming, but that others may hear and fear the danger and detriment of following divisive courses."

And here is another question—

"For the glory of God, the safety of the Church, and the prosperity of the University!" "The glory of God!" As far as that is concerned, I will here say nothing more than this—it is not the first time the glory of God has been made the pretext for the temerity and injustice of man. As to the safety of the Church—if, which God forbid! the Established Church of Scotland is possessed with the spirit of this Presbytery—if, having lost hundreds of able ministers, and hundreds of thousands of devout hearers, instead of endeavouring by meekness and diligence to regain those whom late events have estranged, she is ready to make war upon the seceders—if she is determined to furbish up for the purpose those old laws, the edge of which has long been rusted off, and which were originally meant, not for her defence, but for theirs—then are the days of the Church of Scotland numbered. With respect to the prosperity of the University, is there a corner of Europe where men will not laugh when they hear that the prosperity of the University of St. Andrew's can be promoted by expelling Sir D. Brewster from his professorship? The University of Edinburgh knows better how its prosperity is to be promoted; for I believe the *Senatus Academicus* of Edinburgh is almost unanimous in favour of this Bill. And, in fact, it is perfectly clear that fearful consequences lie before the Universities of Scotland, unless this, or some such measure, is carried speedily; if it is delayed, I believe there will be a new College founded and endowed with that munificence of which, in the Free Church, we have seen so many examples. From the day such a College arises, there is nothing before the Universities of Scotland but a gradual and, I fear, not a distant destruction. Even now it is notorious, such is the competition and emoluments of other pursuits of life, that it is difficult to procure eminent men to fill the chairs of the Universities. We can now choose from the whole of Scotland, from

the whole world, men to fill the office of professors. Throw out this Bill, and you narrow this choice to half of Scotland or less; the diminution of students will lower the emoluments of the chair to less than half their present amount. What will be the consequences? Is it possible not to see that you will have a lower class of professors? With the inferior abilities of the professor, the students will decrease, the decline will be rapid and headlong; and it is clear that all will sink into utter decay, till the lectures are deserted, the halls empty, and a man not fit to be a village dominie will occupy the chair of a Dugald Stewart, an Adam Smith, a Reid, a Black, a Playfair, and a Jameson. How do Her Majesty's Ministers like such a prospect as this? The right hon. Baronet the Secretary for the Home Department has already, by his misfortune or his fault, secured no enviable place in the annals of Scotland: his name is inseparably associated with the disruption of the Scotch Church. Will he ruin the Scotch Universities? If the Government were consistent, even though it acted on an erroneous principle—though we might disapprove, it would be with some mixture of respect; but a Government that is guided by no principle whatever—a Government which on the gravest questions does not know its own mind for twenty-four hours together — a Government that goes from extreme to extreme, backwards and forwards, like "a reed shaken by the wind"—a Government that is against tests in Ireland, and for tests in Scotland—that is against tests at Limerick, and for them at Glasgow—against them in Cork, and for them in Edinburgh—that is against tests at Belfast, and for them at Aberdeen—that opposes tests on Monday, and advocates them on Wednesday, to oppose them on Thursday again,—it is impossible such a Government can command either respect or confidence. Is it strange that the most liberal measures of such a Government should fail to gain the applause of liberal men? Is it strange that it should lose the confidence of one-half the nation, without gaining that of the other half? But I speak not to the Government: I appeal to the House; I appeal to those who, on Monday evening, voted with the Government against the test proposed by the hon. Baronet the Member for North Devon (Sir T. Acland). I know party obligations are strong; but there is a mire so black and so deep that men should refuse to be dragged through it. It is only forty-eight hours since hon. Gentlemen came down to vote against a test requiring the professors in the Irish Colleges to be believers in the Gospel; and now the same hon. Gentlemen are expected to come down and vote that no man shall be permitted to be a professor in a College in Scotland who will not declare his adherence in all parts to the system of church government in Scotland. This is a matter of gross injustice to Scotland on the part of the Government; but its injustice to its own faithful followers surpasses it. The zealous members of the Church of England, I implore them to consider well before they make it penal to hold those doctrines they believe to be true; lastly, I call on every man, of every party, who loves knowledge and science and literature, who is a friend of peace, and respects the solemn obligations of public faith, to stand by us this day, in this last attempt to avert the destruction that threatens the Universities of Scotland. I move that the Bill be read a second time.

Sir *J. Graham* said: The bitter party and personal invective with which the right hon. Gentleman, as usual, has accompanied his arguments on a great question of public policy, shall not prevent me, on the present occasion, from taking a fair review of those arguments, and, to the best of my ability, sustaining the decision to which Her Majesty's Government has come in a matter so important to the Universities of Scotland. The right hon. Gentleman has truly said this is a question deeply affecting the interests of the Universities of Scotland in no ordinary degree; and he has said Her Majesty's Government is not entitled to the confidence of the House, because, with respect to the Scotch Universities, they advocate a policy which the right hon. Gentleman contends is diametrically opposite to that of the Bill lately introduced with regard to Ireland. I can only say, in reply, that Her Majesty's Ministers are actuated by no other desire than that of honestly discharging their public duty, and pursuing that course of policy which they hold to be best adapted to the varied circumstances of different parts of Her Majesty's dominions, regardless of all taunts that may be heaped on them; and they are also at all times prepared frankly to defend that which they believe to be right, and to be the best calculated for the public good. The right hon. Gentleman has also accused us of having exhibited a marked hesitation in coming to a decision on this subject. I

would only remind the right hon. Gentleman, that when last year the subject was introduced by the right hon. Gentleman the Member for Perth, and his views were supported with great ability by the hon. Gentleman the Member for Leith, who has introduced the present Bill, I stated fully the reasons which induced the Government to resist the proposition then made. And when, early in the present Session, the subject was again brought before the House, I said that we were waiting a declaration of the sentiments entertained by the General Assembly of the Church of Scotland upon it, and we wished to ascertain, as far as we could ascertain them, the feelings of the people of Scotland with respect to this Bill. I also stated, that on the second reading of the Bill, it would be our duty to take that course which, after having heard those opinions and having ascertained those feelings, we should deem to be the most consistent with our public duty. Sir, the result of our consideration, after having deliberated on the decision of the General Assembly, and, as far as we have been able to collect it, the opinion of the people of Scotland, is, that we are induced to adhere to our decision of last year, and to oppose the Motion now made by the right hon. Gentleman. Sir, in looking at this question, it is our duty to consider what are the engagements of the Crown and Legislature of this country with the people of Scotland; and, without reference to those rhetorical topics to which the right hon. Gentleman alluded, to look to the effect of such a change as this Bill seeks to introduce, with reference to what the public interest requires at our hands. The very circumstance to which the right hon. Gentleman has referred—the test proposed the other evening by my hon. Friend the Member for Devonshire, as applicable to professors in the proposed Irish Colleges, proves that if any test is to be maintained in the Scotch Universities, it is better to adhere to that test which rests on the basis of ancient Statutes, than to attempt modifications or alterations; for the right hon. Gentleman admits, that there could not easily be framed a milder test than that which was proposed by the hon. Baronet. Yet it met with many objections in this House, and a great majority of the House held it to be inconclusive. This failure of my hon. Friend proves that it is not expedient to attempt to alter or modify the test to be imposed, but that if retained it should be the existing test. Sir, the right hon. Gentleman has, in various parts of his speech, pointedly referred to the conduct of the Government with respect to the Irish Colleges, in connexion with this question of the imposition of tests. Now, I appeal to the justice and to the recent recollection of the House, whether, throughout the argument as to the admission or exclusion of tests from the Irish Colleges, I have not rested the course taken by Government on the special circumstances of the condition of Ireland? I appeal to the House whether I have not uniformly declared that the only ground upon which the absence of all religious tests in those Colleges could be maintained was, that there was carefully reserved to the Government the power of nominating and of dismissing the professors of those Colleges? And of this I am quite sure, that I should not be justified in maintaining the policy of the absence of tests in the Irish Colleges, unless the House had conceded that which I contended for; namely, the absolute necessity of vesting in the Crown the power of nominating, and also of removing at pleasure, the professors from whom tests were not required. Sir, the right hon. Gentleman attempted to maintain that there was a difference in the position of the Scotch and English Universities; he maintained that the Universities of Scotland were differently situated from those of Oxford and Cambridge, and from Trinity College, Dublin, with reference to the Church Establishment. There is no such distinction. The only difference consists in the fact, that the Established Church of Scotland draws its supplies of ministers exclusively from those seminaries of learning—the Scotch Universities. All persons destined for the ministry must have passed through certain classes in one or other of the Scotch Universities. Now, in Ireland every provision has been made by the liberality of Parliament for the education of the Catholic priesthood at the College of Maynooth, as at Trinity College and the University of Dublin ample provisions had, in like manner, been made for the priesthood of the Established Church. I may also remind the right hon. Gentleman that in this country, among many reasons that were urged in favour of preserving the integrity of Oxford and Cambridge as regards religious tests, was the necessity of maintaining that connexion with the Established Church which necessarily arises from the foundation and constitution of those seminaries of learning. Sir, on a former occasion I

rested my opposition to this measure, among various reasons, much upon the solemn engagements entered into with Scotland by the British Legislature at the time of the Union. The right hon. Gentleman does not deny the validity of those engagements. On the contrary, he does admit the connexion between the Church of Scotland and the University at the time of passing the Act of Security; he says that the Act of Union was a measure to which the good faith of the British Parliament is pledged, and that if no material alteration had taken place in the condition of the Church of Scotland since that period, he is ready to admit that the engagements then entered into are still binding on the discretion of Parliament. I conceive that the right hon. Gentleman grounds his argument on the assumption that the Church of Scotland is altered since the period of the Union, and particularly by the Act of 1712, and from the events which occurred in the year 1842. I apprehend that the right hon. Gentleman is of opinion that what we are accustomed to call the Church of Scotland has, in fact, ceased to be the Established Church of that country, to which the Crown and the Legislature of England are bound. Now, I cannot conceive anything likely to be received with greater feelings of terror in Scotland than this statement, that on account of the disruption that has recently taken place in the Church, that Church is no longer the Church of Scotland to which the faith of the British Parliament is pledged. The argument the right hon. Gentleman has used with respect to the alteration made by the Act of 1712, with respect to patronage in the constitution of the Church, was fully considered in 1842, when I had the honour of introducing and defending a measure on that subject in this House. The very argument the right hon. Gentleman has put to-night was urged on that occasion. It was then urged that, consistently with the Act of Union and the Act of Security, the change then contemplated by the Government could not be supported and sustained. The House of Commons held that the change which was asked to be effected with regard to the right of patronage, was not inconsistent with the Act of Union or the Act of Security. And although the change made by the Act of 1712 was certainly considerable, yet from that period down to the present day, it has never yet been contended, on account of that change, that it is inconsistent with the duty of the Crown to maintain Presbyterian Church Government in Scotland as an engagement solemnly contracted at the Union, and under all circumstances to be observed. Sir, the right hon. Gentleman has referred to expressions which fell from me in the discussion on the Irish Colleges Bill, to the effect, that in one of the Scotch Universities the use of the test has been discontinued. I do admit that in the University of Edinburgh, in the last fifty or sixty years, the imposition of this test has been generally discontinued. But, at the same time, it is historically inaccurate to say that it has been abandoned, or that in later times it has been anything like discontinued. A large proportion of the professors of the University of Edinburgh have signed from time to time the Confession of Faith, or were liable when called on to do so. It was signed by Professor Leslie and by Mr. D. Stewart, and many other distinguished persons have signed it up to a recent period. In the other four Universities of Scotland, the professors have from time to time signed it, without exception, from the period of the Presbyterian settlement, in 1690, to the present moment. The right hon. Gentleman also referred to the Lord Rectors and other office-bearers of the University who have not been called on to subscribe. This is true both as regards Glasgow and the other Universities — Edinburgh not excepted. He added, that these tests were obviously and principally levelled against Episcopalians. It is with great diffidence that I presume to differ from the right hon. Gentleman on a point of history; but I believe that history sustains what I now say, that these tests were not originally framed principally against the Episcopalians. So far from the Episcopalians being regarded with any peculiar jealousy in Scotland, the House must remember that the Episcopalians in Scotland never had a fixed form of worship in the shape of a liturgy. They differed from the Presbyterians as to the question of church government, but not with respect to the liturgy, so much so, that after the Union one hundred and twelve Episcopalian ministers were by the law and the common consent of the two countries maintained in the full enjoyment of their cures. I hold in my hand a copy of the original subscription of the President of St. Andrew's College in the year 1698. The form of it clearly shows that it was not directed so much against the Episcopalians as against certain heterodox opinions to which both equally objected. The words are—

"I underscribe and cordially adhere to the Profession of Faith ratified by the Fifth Act of the Second Session, in opposition to the errors of Popery, Socinianism, and Arminianism, and I do promise to submit to the government of the Church as now settled by the law and by Act of Parliament,"

The right hon. Gentleman has referred to the case of Sir David Brewster, and has quoted some very strong expressions from the form of the pleadings instituted against that gentleman. That is a question of law, and it is also a question which is not yet decided, whether the test can be administered to the head of a College who has been already inducted; and in addition to this, Sir D. Brewster has twice already subscribed the Confession of Faith. Let me assume these tests to have been repealed. By the constitution of the Colleges the Principal exercises a general superintendence and control over all the lectures; it is his duty to see that no doctrines of an obnoxious tendency are inculcated in any lectures within the walls of the Colleges. From the very terms of the Statute the connexion between the Church of Scotland and the Universities appears to have been most intimate; and in the great majority of instances the Principals are themselves members of the Established Church. I repeat that it is the duty of the Principal to exercise general superintendence and control over the lectures. But if he himself should be a dissenter from the Established Church, these tests being repealed, you would have no security against his exercising all the influence which belongs to his office in a manner adverse to the Established Church. The present rule has obtained in Scotland for more than a century and a half; and this fact ought not to be forgotten when we are debating so great a change. During that period religious differences have been widely spread, and have been of a most angry character; but I appeal to those who know the history of the Scotch Universities whether it be not the fact that, while there have been angry religious controversies without the walls of the Universities, notwithstanding the existence of these tests, religious peace may be truly said to have prevailed, and angry religious discussions may be declared not to have found their way within the walls of those Universities? Suppose, in the present unhappy state of religious differences in Scotland, a very large body of Free Church professors should be admitted into the Scotch Universities. Is this a danger of an imaginary nature? It must be remembered that, so far from the professors being all nominated by the Crown, a very large number are left to the choice of popular bodies. In the University of Edinburgh the town council of Edinburgh nominate the larger number of professors. It is argued that either the Church of Scotland is composed of a minority of the people, or its numerical strength is so diminished that it is verging on the minority. I should be disposed to demur to that statement. But, if it be accurate, it should be recollected that popular bodies, partaking of the popular feeling, will naturally select persons bearing the image of their own opinions on particular points; and if in a short time a number of vacancies should occur, the probability is, that a very large proportion of the persons nominated by the town council would be persons bitterly hostile to the Established Church of Scotland. Not only is the connexion between the Established Church and these Universities as intimate and as perpetual as an Act of Parliament can make it, but a pledge was given by the British Parliament that they would never take any course which would derogate from the security which had been offered. I ask whether, consistently with that pledge, it be possible to assent to the motion of the right hon. Gentleman, whether, considering the inevitable influence of popular feeling on those who nominate a large proportion of the professors in Scotland, the House will agree that no security shall be taken that the persons so nominated are friends to the Establishment? Now, let us see what is the weight of authority opposed to this change. In the first place, I will refer to the Report of the Commission appointed to inquire into the state of the Scotch Universities in 1826. That Commission, composed of persons of the greatest distinction in Scotland, without reference, in the selection of its members, to party preferences or party views, not only reports most decidedly that tests should continue to be administered with the rigour observed up to that time, but it commented on some neglect with regard to the administering of tests, and pronounced an opinion that tests should be enforced invariably on the nomination of professors. I will now come to a more recent period—I will refer to the decision adopted by the General Assembly in reference to this question within the last six weeks, when the question we are now discussing was brought under its special notice. That assembly is a body composed

partly of clergy and partly of laity. The laity may fairly be regarded as the representatives of the general feelings of the members of the Church of Scotland throughout the whole of that country. The elders of various parishes have seats in that assembly; and not only is this the case with regard to the elders of the country parishes, but delegates are sent from the Royal burghs to the General Assembly, who partake of the popular feeling of large constituencies, and, with the single reservation of the elders sitting in General Assembly being members of the Established Church, the choice is open, without reference to grade or distinction. The question being whether the measure now propounded should be supported or not, on a division there were 246 against the proposed change, while only 11 voted in favour of it. It is also to be remarked that there have been no popular meetings on the subject. If I mistake not, indeed, meetings were convened both in Edinburgh and in Glasgow to consider this very proposition. I have every reason to believe that at the meeting in Edinburgh not 100 persons were present; and I am told that in Glasgow, the city next in importance to Edinburgh, and where all subjects, either of a political or religious character, upon which the popular mind is at all excited, are usually considered in large assemblies, no feeling whatever in favour of the proposed change has been manifested. Then, again, with regard to the authority of those who are most entitled to respect among the Dissenters from the Established Church—I allude to those, who have recently gone forth on account of the right of presentation; I allude particularly to Dr. Cunningham, Dr. Chalmers, and Dr. Candlish—I have every reason to believe that, so far from those gentlemen advocating the abolition of the tests, they are among the strongest advocates of them, and have declared decidedly that they would prefer the maintenance of the existing law to the entire abolition of religious tests in Scotland. With respect to the practice of Dissenters generally, when they found a College of their own for the education of ministers in their own religious opinions, they always take ample precautions that all the teachers in that College shall be, in matters of religion, of the same creed as they themselves profess; and, if a Free Church College were to be founded to-morrow, I feel certain that the founders of that College would take ample security that all the professors, whether theological or secular, should conform to the particular opinions which they themselves entertained. The right hon. Gentleman relied on the strong opinion expressed by many of the professors, by the majority of the professors I admit, in the various Universities, in favour of the proposed change. Now, I should be sorry to speak with anything like disrespect of the opinion of those professors; but I must say, that a narrow view of self-interest is not one which we can recognise as the ground of the decision which Parliament ought to adopt. On the very ground taken by the right hon. Gentleman, it must be with us matter of earnest desire to maintain in their integrity the Scotch Universities, without any diminution in their efficiency, or in the number of the youth who flock to them for instruction. I have already stated my conviction, that if the Free Church were establishing a College of its own, it would take ample security, by means of a stringent religious test, for the exclusive character of the teaching in that College. I have reason also to believe that if this Bill should pass and become law, the Established Church of Scotland would not think itself justified in allowing its youth to be educated for the ministry of the Church in the absence of such tests in the existing Universities. My belief is, I deplore it as much as any hon. Member of this House can do—my belief is this, that the time has arrived when sectarian education in Scotland is inevitable; but I further believe, that if the Free Church of Scotland shall establish a College with a stringent test, and if the Church of Scotland shall establish a College of its own for the education of its ministry, by leaving the ancient Universities without any security with regard to the religious teaching afforded in them, you will be taking a course which is certain, if it do not lead to their downfall, at least to deprive them of a considerable number of students. I am of opinion also that in a matter of this kind the habits and feelings of the people of Scotland should be consulted; I do not believe that it is consonant with their feelings or wishes that all security with reference to the religious education afforded in the Universities should be abandoned; I have come to precisely the opposite conclusion. No practical evil of which I am aware has resulted from the moderate use of these particular tests. There has been no lack of able men in the Universities. It must be remembered, too, that no test whatever

is administered to the students. The utmost latitude is given for the peculiar belief of the different students, while ample security is taken with regard to the religious teaching of the professors. These Colleges have risen in reputation throughout the long period during which these tests have been enforced; the ablest men have gone forth from them, and students in great numbers have received instruction. There was a large influx of students up to a very recent period, and the Colleges were in a most flourishing condition; and, although the shock given to these institutions by the serious secession which took place about two years ago has been considerable, yet I am bound to state, that the condition of the Universities at present is not one of decay, it is not a condition which would lead us to infer that they have ceased to flourish. I have stated to the House what I believe would be the effect of abolishing the existing tests. Unhappily, those who have left the Church very recently have avowed their bitter hostility to it, and their desire that it should be overthrown. I have stated the reasons why, in a short time, if these tests should be withdrawn, the enemies of the Church will have, if not a preponderating strength in the governing body of the Universities, at any rate such a degree of influence and power as would enable them to carry out their hostile purposes in the University to a considerable extent. Hitherto sectarian teaching has been avoided; but I very much doubt whether this would be the case if the proposed change were effected; I rather think that the change would lead to sectarian teaching and to the prevalence of religious discord. There is another point which should not be omitted in considering this question. In the long series of years which have elapsed since the connexion between the Church of Scotland and the Universities was formed, a large amount of property has been left by private individuals to these various Colleges. Bequests have been made on the faith that the connexion between the Established Church and the Colleges will be maintained. If you dissolve that connexion—if the governing body, which has the power of administering the bequests made, and of exercising the trust reposed, shall become a body dissenting from the Church—it will inevitably happen that property which was intended for members of the Church will be alienated. On the whole, I am decidedly of opinion that, whether we look to law, whether we look to compact, whether we look to prescription, or whether we look to the practical effect, and to the good resulting from the maintenance of the present system, which was ratified by the Union, and has been so long established, it is expedient, with reference to the circumstances and interests of Scotland, to maintain the existing tests. I have considered the matter very carefully, and whatever obloquy may be cast upon me by the right hon. Gentleman, whose custom it is to impute to his adversaries the lowest and most unworthy motives, my conviction is, I repeat, that it is my bounden duty, in existing circumstances, to vote for maintaining the present tests. I think the doctrine propounded by the right hon. Gentleman, that the Established Church of Scotland, as it existed at the time of the Union, was so shaken by the Act of 1712, and by the Act which was passed two years ago, that it is no longer to be regarded as the Established Church of that country, is an exceedingly dangerous one; yet upon that doctrine this measure mainly rests, and the adoption of the measure would be the adoption of the doctrine by the British Legislature. If I had hesitated before, the speech of the right hon. Gentleman would have confirmed my apprehensions with reference to the measure under consideration. On the grounds which I have stated, I certainly feel it my duty to move that the Bill be read a second time this day three months.

Mr. *James S. Wortley* regretted that no Gentlemen on the opposite side of the House rose to reply to the speech of the right hon. Baronet. It might seem strange, that after the triumphant answer of his right hon. Friend [*cheers*]—if hon. Gentlemen allowed him to finish the sentence, they would see there was no cause for that cheer—to the speech of the right hon. Gentleman, he rose to address the House in opposition to the measure now proposed; but he did not scruple to affirm that he rested his opposition, at least in part, to the measure, on the peculiar circumstances of the time at which it was brought forward. When they heard the Church of Scotland denounced in that House as a religious faction, it was not difficult to foresee that the effect of the success of this Bill would be, to excite still further public feeling in Scotland. His first impression was in favour of conceding what was asked in this measure; but upon inquiry into the state of feeling in Scotland, he conceived himself justified in

resisting the Bill. Such was the state of feeling in Scotland, that this measure would be regarded as a triumph by one party over another. This would, therefore, be a most unhappy moment for its adoption. But that was not his only reason for opposing the Bill. For his part, he was for limiting the application of tests as much as possible; but they were not, in this instance, imposing new tests. These tests existed before the Union with Scotland; and they had never been used for the purpose of religious persecution. The utmost latitude, it was admitted, had been given, notwithstanding their existence; and the present attempt to abolish them was prompted by the enemies of the Church of Scotland. There was no question, that if they repealed these tests, a struggle would follow to wrest the Universities from the Church. He agreed with the majority of that House, that they must have a Church connected with the State, and if so, they should have a University connected with the Church. The present question, in fact, was, whether they would give the Free Church a triumph over the Church of Scotland. The members of the Free Church, of whom he wished to speak with every respect, were pledged to use their utmost efforts to destroy the Church; and the carrying of this measure would be received by them as a triumph over it. The question was by no means, whether all classes in Scotland should have education, for it was admitted they had it under the present system; but the question was, whether they would transfer an establishment, founded and endowed by private individuals, to persons who were the advocates of the voluntary system, and consequently the enemies of all religious establishments. The right hon. Gentleman said that, if this Bill were not carried, a new College would be established by the Free Church; but he did not think that the carrying of this measure would prevent the establishment of that College, nor was he disposed to desire that the establishment of that College should be prevented.

Sir *G. Grey* felt that some apology was due to the House for his addressing it upon a subject more immediately connected with a part of the country with which he could claim no personal connexion. He should have felt reluctance to rise on the present occasion, after the able, the convincing, the unanswered, and unanswerable speech of the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), on moving the second reading of the Bill, had not a Gentleman opposite risen as the defender of the course which the Government had taken with reference to this Bill. Having been one of the few Members present when the hon. and learned Member for Leith (Mr. Rutherfurd) moved for and obtained leave to introduce this Bill, and having witnessed with satisfaction the course which the Government then took with respect to it, he felt called upon, as an English Member of the House, to express his regret at the course which the right hon. Baronet (Sir James Graham) felt himself compelled now to take, in opposing the further progress of the Bill. It must have been evident to every one who listened to the right hon. Gentleman, that he spoke against his own convictions, that he reasoned against his own better judgment, that he was speaking, in fact, under a secret compulsion, which imposed upon him an arduous task — a task, which though ably performed, he had performed reluctantly, whilst his whole manner showed that he was not giving utterance to his real sentiments. Pressed as the Government were by the right hon. Member for Edinburgh, with the most crushing arguments by which he illustrated their inconsistency in the course which they now adopted, as compared with that which they had taken when leave was given to introduce the Bill, and their still more marked inconsistency in the course which they were now taking, in urging the reimposition of those tests in Scotland, as compared with that which, to their credit, they had adopted with regard to the Irish Colleges Bill, and to which they declared themselves prepared to adhere; the right hon. Gentleman got up, and took credit to the Government for their very inconsistency, and stated that they were not to be bound in their future course by any regard to what had been done on former occasions; and that the policy of the Government was an ever-varying policy—a policy varying according to the circumstances in which they found themselves called upon to act. The policy of any Government must, to a certain extent, vary according to circumstances; but the right hon. Gentleman seemed to have forgotten that there was such a

thing as principle even in the variations of policy, which should keep them within the limits of consistency; and that their policy should, in all its changes, be free from that discord and inconsistency which exposed the Government to such severe reproofs as were justly administered by his right hon. Friend the Member for Edinburgh. He heard with deep regret, from the right hon. Baronet, the avowal, the truth of which must have been forced upon the Government, since the former debate upon this Bill, that sectarian collegiate education in Scotland was now inevitable. The hon. and learned Gentleman opposite (Mr. J. S. Wortley) asked what grievance was complained of? There were no better terms in which he (Sir George Grey) could describe that grievance than as a sectarian collegiate education for Scotland. As to the argument on which the Government rested the alteration of their policy, what circumstances had occurred, subsequently to the former debate, which induced them to come to the conviction that the hope which they then entertained had been destroyed? How long was it since the Lord Advocate was examined, and gave his evidence before the Commission of Inquiry into the Criminal Law of Scotland? In answer to the following question:—

"Are there any penal enactments in Scotland, as represented by Mr. Hume in his Commentaries, affecting persons differing from the national religion, except Papists?" his reply was, 'There are restrictions. We have now pending in the House of Commons, a Bill, brought in to relieve from disabilities, in regard to professorships in the Universities.'"

At page 41, the Report of the Commission stated that—

"In Scotland there appear to be no religious tests as a qualification for holding offices or places of trust, except for the admission of the office-bearers, professors, and teachers, in the Universities, and for parochial schoolmasters; in the latter of which cases, tests have always been imposed, though in some of the Universities they have been, to a great extent, in abeyance. As this subject is at present under the consideration of Parliament, we do not consider it proper to offer any opinion upon it."

They expressly abstained from recommending the continuance of tests, which came under the class of penal enactments, because a Bill upon the subject was pending in Parliament, the Lord Advocate not having then intimated his opinion that the Bill was to be opposed. The hon. Member for Perthshire (Mr. Home Drummond) was a Member of that Commission; and he distinctly stated, that his authority, as a Member of that Commission, was not to be quoted in favour of the continuance of these tests; and advised Her Majesty's Ministers to be very cautious before they opposed the passage of this Bill. The right hon. Baronet attempted to show that the continuance of the tests had only been partial. Nobody denied that. The right hon. Gentleman was unable to adduce a single instance in which a professor was prevented from accepting a professorship, or any in which a professor was removed from his professorship, for not taking the tests. A case occurred to him (Sir George Grey), in which a known Episcopalian, within two years after taking his degree, became Greek professor at the University of Glasgow, and who remained an Episcopalian during the continuance of his professorship, and continued an Episcopalian until he died. He now alluded to Sir Daniel Sanford. [Sir *J. Graham:* He did take the test.] He had no reason to suppose he did, but if an English Episcopalian could take the test, what reason was there that a Member of the Free Church could not—if an Episcopalian were admitted, under such circumstances, to a professorship—why should not a Free Churchman be admitted also? So far as he could gather, the whole argument if argument it could be admitted to be, for maintaining these tests, was founded upon the danger which was apprehended from Free Churchmen and members of the Established Church meeting as professors in the same University. If the passage of this Bill were prevented, he did not see how the calamity of a sectarian collegiate education was to be averted; and he hoped the House would interpose, by suffering the Bill to pass, to avert such a calamity. The result of a sectarian education would be to multiply and perpetuate those differences, which he earnestly hoped would be speedily allayed and diminished, by bringing members of the Free Church and of the Church as established by law within the same University, and there training the youth of different persuasions together. The right hon. Gentleman said that during a century and a half these tests had been, to a cer-

tain extent, in operation. But let him remind the right hon. Gentleman, that during that time, comparatively speaking, religious peace had been known in Scotland. During that century and a half, religious differences had not occupied the prominent place in men's minds which they formerly occupied. But what would be the case now? Every man would look to his neighbour with suspicion; and he feared that the differences which he deprecated, would grow and multiply as before. Such would be the effect of obstructing this Bill. The hon. and learned Gentleman (Mr. S. Wortley) said, that the General Assembly had this year discontinued the attempt recently made against Sir David Brewster. But would this attempt not be repeated, or might it not be repeated? The Assembly of this year had discontinued the proceedings; but that of next year might encourage similar attempts, and give them their sanction and countenance. It was to prevent the possibility of the recurrence of such attempts that he supported the present Bill. To the Bill he gave his cordial assent, and he could not help thinking that the House should interpose between the opinion expressed by the Government, that a sectarian collegiate education was inevitable for Scotland, and their decision that no attempt was to be made to avert such a result. He deeply regetted the course which the Government had determined upon pursuing; for, as the natural result of that course, he saw springing up a rival University to the Universities already existing—a rivalry which, he feared, would go far to reopen all the sources of religious difference and animosity, and to perpetuate the schism which had already unhappily taken place. He earnestly trusted, that before it was too late the Government would reconsider their decision.

Sir *R. Inglis* said, his right hon. Friend the Member for Edinburgh would acquit him of any intention to speak of him with any disrespect, if he said that of his speech — brilliant and beautiful as were many of its passages—there was only one argument which seemed to him (Sir R. Inglis) to be a piece of ordnance that had made any impression on the bulwark he had attacked. It was this—that whereas there was a compact entered into in 1707 by the Act of Union, there was at present no person entitled to claim the benefit of that compact. It was true, said his right hon. Friend, that if any persons remained in the same condition in 1845 as they were in 1707, he would admit their claim, as the Church of Scotland and the Universities connected with it, to have the protection of those tests which it was the object of this Bill to remove; but that the Church of Scotland, since 1842, had ceased to be that Church contemplated by the Act of 1690. That argument struck him (Sir R. Inglis) at the time; but, on reconsideration, it seemed to him to prove too much, as it proved the utter extinction of any Church to which the faith of the nation was pledged. It could not be said, that it could be sought in the Free Church; and, if not, what alternative was there but to recognise the corporate body of the Church of Scotland, the petition from whom, through their authorized Assembly, was then lying on the Table? The question was not whether they should impose tests, but whether they should remove those which had existed for the last 150 years. It was clear, by reference not merely to the decrees of the General Assembly, but to Acts of Parliament, that from the period of the Reformation, the intention was, that the institution of the Church should be connected with academical education, and that they, and they only, should have rule and authority in the Colleges of Scotland who were in communion with the Church of Scotland. It was not quite fair in the right hon. Member for Edinburgh to taunt his right hon. Friend the Secretary of State for the Home Department with inconsistency, because he did not recognise religion as the essential basis of education in the Irish Colleges Bill. His right hon. Friend had expressly declared that Ireland was an exceptional case —that the course he felt bound to adopt differed from his general conviction, and from that which, under other and happier circumstances, he should have been ready to apply to Ireland itself. The question was altogether different when applied to Scotland, where, he believed, the large body of the people were still attached to the national Established Church, whose ministers for the last forty years had laboured most assiduously in the discharge of their spiritual functions. He was also ready to bear his testimony to the piety, self-devotion, and great sacrifices made by the ministers of the Free Church; although he could not think they were justified by a difference, not in doctrine or discipline,

but in church government, in breaking up the peace of Scotland by their secession. He should vote against the Bill.

Mr. *Pringle* hoped the House would reject this Bill, which, he believed, if passed, would be most injurious, if not wholly ruinous, to the Universities and the interests of education in Scotland. These tests had existed in the Universities of Scotland from a period coeval almost with the foundation of the Universities themselves. Episcopalians themselves, such as Sir Daniel Sandford, had not objected to take them, and there was no reason why members of the Free Church should refuse subscription. Only those would be excluded by their operation who refused to pledge themselves that they would not use their powers or privileges to the prejudice or subversion of the Church of Scotland. The General Assembly of the Church of Scotland had petitioned the Legislature in the strongest terms against the Bill. The Free Church, and many other religious denominations in Scotland, had established educational institutions for the instruction of persons of their own communion; and, if this Bill were adopted, the Established Church of Scotland would be the only ecclesiastical establishment in that country which would be denied the privilege of possessing academical institutions for the education of its members. He called upon hon. Gentlemen to reflect what would be the result of adopting this measure. At present the patronage connected with the University of Edinburgh was vested in the Town Council, which had the power of appointing the professors, subject to the control of the Act of Parliament imposing the existing tests; but, if those tests were abolished, every election would probably give rise to a contest between the two parties in the Church, in which the students of the University would necessarily be involved. He also entertained strong objections to this measure on the ground that it would materially affect the whole system of education in Scotland. The system of national education in that country had been mainly, if not solely, originated by the Established Church; and the result showed how faithfully that Establishment had, in this respect, discharged its duties; but the adoption of the Bill now before the House would, in his opinion, be most injurious to the extension of education in Scotland. On these grounds, he hoped the House would not assent to the second reading of the Bill.

Mr. *C. Buller* said, when he recollected the proud eminence on which the hon. Gentleman who had just spoken stood in the eyes of the country on account of the singular sacrifice he had made of interest to conscience in the course of the present Session, he was prepared to expect somewhat more clear principles of morality from his lips. He could scarcely conceive a test more grating to the conscientious feelings and the honest pride of an honourable man, than that which the hon. Gentleman would keep up, and for having taken which, for the purpose of obtaining a professorship, the member of another church than the Presbyterian Church of Scotland was now defended. The right hon. Gentleman and the hon. Member for Selkirkshire contended that this test did not operate as an exclusion; but what, he asked, could tend more to keep out the members of another church from those professorships, than to extort from them a declaration that they practised the worship of a Church to which they did not belong? A man might, perhaps, as in the case of Sir D. Sandford, feel himself justified, by the usages of society, and the lax tone of morals around him, in making the required declaration, though he was a member of a different church; but this only showed the perfect farce of the profession. But he could scarcely understand such an argument as coming from an hon. Member who had most consistently, certainly, supported the proposition for separate religious instruction being provided in the Irish Colleges for the Protestant apart from the Roman Catholic pupils—

Mr. *Pringle*: The difference between the Roman Catholic Church and the Protestant Church is a difference of essentials; while that between the Episcopal Church and the Presbyterian Church of Scotland, is not a difference of essentials.

Mr. *C. Buller* contended that such a distinction did not justify the test, which was one that ought not to continue; and seeing the principle on which the Government had acted with regard to Ireland, he could not understand how they could support it. The right hon. Baronet (Sir James Graham) rested his argument in favour of the application of a different principle to Scotland from that the Government had applied in the case of Ireland, upon the different circumstances of

the two countries. Now, although he was by no means disposed to complain of the Government for having at length altered their policy with regard to Ireland, and adopted a course of which he entirely approved, he could not but agree with all that had been stated by his right hon. Friend the Member for Edinburgh (Mr. Macaulay). He could perfectly understand a change of opinions leading to a change of measures, and conscientious conviction , though long in coming, leading to the adoption of sounder views. But he thought they had a right to expect to see the same sincerity evinced by the Government in the maintenance of the new views, as had been exhibited in support of the old ones, and not that the change should be merely that instead of acting upon the principles by which they had formerly been influenced, they had now, having discovered that those principles were erroneous, determined henceforth to act on no principle at all. The right hon. Baronet had said that the utter absence of all religious tests, either from students or professors, in the Irish Colleges Bill, as proposed by the Government, arose from the peculiar circumstances of Ireland; but the right hon. Baronet had not told them what those peculiar circumstances were; for every circumstance which the right hon. Baronet stated as justifying the application of that principle in regard to Ireland, would equally justify the application of the same principle to Scotland. What were the peculiar circumstances of Ireland? The right hon. Baronet had stated that the people of Ireland were in a state of religious difference, and that hostility and animosity on that ground prevailed; and he added, that the evil now was, that the existing educational institutions of the country were in the hands of one religious denomination only; and if you established any religious test as applying to the new Colleges, you would create so many sectarian institutions for education, wherein those religious distinctions and differences which were so mischievous in after life, would be inculcated in the minds of the students, and that the object of a wise statesman in such a state of things was to bring parties of different religions to receive a common education together with the view of implanting in their minds feelings of good will and friendliness to each other. But was the state of things which the right hon. Baronet so described peculiar to Ireland? Thanks to the policy of the present Government, it was not! What was the state of Scotland at this time? The Government had done all they could to bring Scotland into the same state in regard to religious differences as Ireland was. The great mischief in Ireland was, that you had there an Established Church richly endowed, invested with exclusive privileges and honours, which was not the Church of the great majority of the people. In Scotland, up to five years ago, the Established Church of Scotland was the Church of the great majority of the people —but who would now venture to say that that Church represented the religion of the barest possible majority? The argument against the application of religious tests, then, was as applicable to Scotland as to Ireland. Was it not as important that they should not keep up sectarian education in Scotland as in Ireland? He was astonished to hear the right hon. Baronet, in speaking of a country not hitherto torn by sectarianism, declare in his place in Parliament that Scotland was, he feared, in that state in which all education must henceforth be—sectarian. It had been said the object of the opponents of this Bill was not to establish any new test, but merely to keep up old tests. For 150 years the great majority of the people of Scotland had professed one religion; the application of a religious test, therefore, was comparatively unimportant. It did not, under such circumstances, keep out any one who desired to be a member of the Universities; the test fell into desuetude. The right hon. Baronet said that the test still existed at the University of Edinburgh, and that those who chose to take it might. He had never before heard of an optional test. If, however, it was to be maintained on the condition that those who wished might take it, and those who objected should not be compelled, he would have no objection. But let that be understood at St. Andrew's as well as at Edinburgh; and do not, in future, allow such a man as Sir David Brewster to be excluded from his professorship for the glory of God and the safety of the Church. It was said also that, practically. the tests have done no harm. He could not admit that they had done no harm. The right hon. Baronet had referred to the professorships of moral and natural philosophy, and the possibility, if the tests were abolished,

of those who filled those chairs instilling improper religious opinions into the minds of their pupils; but what security had they that that might not occur now? Three or four years ago a serious schism took place in the Church of Scotland, and a large portion of both clergy and laity seceded. Those who were of one religion before became divided, and religious differences previously unknown in Scotland prevailed. And now it was that that party, who, by the aid of the law, had obtained the supremacy over the others, came forward to insist on the application of those tests which had previously remained a dead letter, for the purpose of keeping their opponents out of office. This, then, was practically and virtually a new test. They were threatened that if one party resorted to tests, the other would take refuge in sectarian education. In his speech upon the 1st of May, the right hon. Gentleman the Home Secretary seemed perfectly sensible of the mischief likely to result to Scotland, should a College be established by the Free Church party. Now, however, the right hon. Gentleman seemed to have come to the conclusion that the establishment of such an institution was a necessity which he must submit to; and the evil which he was trying to guard against in one part of Her Majesty's dominions, he was deliberately inflicting on another. On the occasion to which he had alluded, the right hon. Baronet mentioned with great respect an authority which he treated with as much contempt now. He then remarked that a great majority of the professors in every University in Scotland had petitioned for the abolition of these tests. He now seemed to say that these professors were interested parties in the well-being of the College, and, that, therefore, their opinions were not to be adopted, their wishes not attended to. He did not think that if these gentlemen expressed an opinion favourable to the abolition of these tests, that that opinion should be sneered at on the ground of the pecuniary interest they had in the attendance upon their lectures. He had observed, with great regret, the course which Government had taken upon this occasion. Indeed, their whole conduct towards the Church of Scotland, ever since the disruption, seemed that of men who had taken sides with one party, and were determined to support it at all hazards. The abolition of these tests would be a highly conciliatory measure as regarded the Free Church party. The assembly of that Church had petitioned in favour of their being done away with. The present was a great opportunity for conciliating that Church, and if they ever did hope to heal the schism which had taken place, now was the time to operate upon men's minds. But if they went on in a course of intolerance towards the seceding party, they would only exasperate the differences which had arisen, and render that schism which they all deplored as permanent as it was extensive.

The *Lord Advocate* said, that the Bill which was now moved to be read a second time, proposed to abolish tests in the Universities of Scotland—except with respect to certain chairs and theological professorships. It was not proposed by this Bill to establish any other tests in the room of those established by law. This Bill simply proposed to repeal those tests, or, in other words, to repeal the Act of Security. Now, it would be remembered, that there were at present no Colleges or Universities in Scotland for the education of the clergy, except those with respect to which it was proposed to repeal those tests. At the date of the Union it was made a particular condition of the Union that those Universities should be maintained in their existing state, and that those tests now sought to be abolished should be preserved. This was part of the Treaty of Union, and was afterwards introduced in the Act of Union. A proposal was now made to interfere with that arrangement, and to repeal those tests, and not, instead of them, to substitute any other tests. It was not even proposed to modify those tests, but absolutely to repeal them. He was not aware that any body of Dissenters or Presbyterians had expressed a wish that those tests should be repealed. The resolutions which had been passed by the Assembly of the Free Church did not go so far as that. He had said that the maintenance of these tests was one of the conditions of the Union; and he would ask them to consider, when they sought the abolition of those tests and the violation of the Union, whether they had caused any practical evil? He had heard of no practical evil arising from them, and of no complaint of their operations, except from the University of St. Andrew's. Those tests were uniformly observed, except in the University of Edinburgh; and the rea-

son they were not more strictly observed was, that members of other Universities, who had previously taken the test in their own Universities, were frequently, on account of its superior emoluments, transferred to professorships in the University of Edinburgh. But it was said that within the last two years a state of things had arisen in Scotland which rendered it necessary to interfere with the present Establishment of Scotland; to break in upon the security of the Church of Scotland, which had existed ever since the Reformation. Now, what was that state of matters? Two years ago a large secession had taken place from the Church, so that those who dissented from the Establishment were proportionably more numerous than they were before: was that a sufficient reason for abolishing all tests whatever? Was it the opinion even of those men who had left the Church that no tests ought to exist—that there ought to be no security as to the religious character of the teachers of youth? He would read to the House the opinions of some eminent divines of that body, from which they would see that they were willing that the tests should be so altered or modified as to admit to the Universities all classes of Presbyterians—that was to say, that they should admit the body to which they belonged. But was it supposed that they were willing to see all tests swept away, and that no securities should be taken for the religious character of the professors in Universities? Far from it. In the resolutions which the General Assembly of the Free Church passed preparatory to the petition which had been presented to the House, they state—

"That they are opposed to the present tests as now interpreted; but that they support the present Bill in so far as it removed those sectarian tests, and prepared the way for the Universities being placed on a truly national basis."

It was plain, therefore, that they were not in favour of the abolition of all tests, but they wished them to be so regulated as to admit their own members. To the same effect he found one of their most eminent divines, who was the very soul and spirit of the great secession that had taken place —Dr. Candlish — deprecated the utter abolition of all tests, and added, that he would rather see the present tests continued, than that there should be no security at all. They even professed a determination to establish tests in their own College, where they had already established not only a theological chair, but a logic and a moral philosophical class, and were providing teachers of Latin and Greek. Was it to be supposed that these men would stop short in their scheme, because the tests were abolished in the existing Universities? The thing was altogether out of the question. Or did they suppose that they would retain the members of the Established Church? Why, they entertained, to say the least, the same objections with Dr. Candlish, and they also would establish a University of their own. So the result of this measure would be that they would please neither the one Church nor the other — they would ruin the Universities, and they would please neither party. It would please no party except those—he could understand their motives — who were in the course of establishing a rival University, and who might wish to strengthen it by destroying the usefulness of the existing Universities. But he conceived that that was a motive which would not receive much countenance in the House. He submitted, therefore, that no case whatever had been made out for the passing of this Bill.

Mr. *P. M. Stewart* was anxious to ask the Government to adopt the suggestion which had more than once been pressed upon them to-night, to reconsider their intentions with regard to this Bill, which they had already done, not once but three times, and at last to come to the resolution of supporting the Bill. The Government would not be astonished at his making this request, for, if he was not misinformed, they had already changed their minds upon the subject three times since the introduction of the Bill. They came down to the House, he understood, determined to oppose the introduction of the Bill; but the statement made on that occasion by the hon. Member for Leith was of so convincing and startling a character, that it was perceptible to all in the House that another resolution was come to in the course of that admirable speech, and the Bill was allowed to be introduced. The right hon. Baronet the Home Secretary then declared his resolution to be guided by the opinion of the people of Scotland. Now what was the opinion of the people of Scotland? It did not consist of the isolated opinion of the General Assembly of the Church of Scotland. That never was held to be the

opinion of the people of Scotland, even in the best days of the Assembly. But it was said that the tests were optional whether the professors should take them or not. If the tests were of so loose a character as that, he thought the sooner they were repealed the better. He therefore asked the Government again to change their minds, and to pass this Bill. They were bound to do something to alleviate the evils which they had caused. He believed that what they did was done in ignorance; but that was an additional reason why they should pass this Bill, which would be accepted as a healing measure by the great body of the members of the Free Church, notwithstanding all that had been said by the learned Lord opposite, and which would inflict no injury whatever upon the Established Church; and he implored them, therefore, to return to their former opinion, and to pass this Bill.

Sir *R. Peel* said: I promise the Gentlemen who are anxious for a division, that I will detain them but for a short period. The ground on which I shall resist this Motion I shall state very briefly. I have never concealed from myself the difficulties which the Government would have to encounter in proposing this new plan of academical education in Ireland. I foresaw that an attempt to form new institutions for the purpose of giving academical education in a country so circumstanced in respect to population and religious opinion, must evidently subject the Government to the charges which have, in my opinion, most unjustly been brought against them in the course of this discussion. It has been said, that the principles which we adopted in Ireland, in the formation of these new academical institutions, necessarily compelled us to apply those principles to other parts of the Empire, and that we were acting inconsistently, and in violation of our principles, if we declined so to apply those principles. Sir, what are the circumstances under which those new institutions in Ireland are proposed to be founded? We wish to provide, at the expense of the State, a good secular education. We do not propose to introduce a system of theological education. We do not propose to educate persons intended for the ministry of the Church. We do not propose to disconnect religion from a secular education; but we do propose, on account of the peculiar circumstances of the population, providing a secular education at the charge of the State; and we call on individuals to make provision for the religious education which the young men in these Colleges are to receive. We find existing in Ireland, and in other parts of the kingdom, institutions of great antiquity intended for the education of persons to serve in the ministry. In England we find the two Universities, and in this metropolis we find King's College, an institution in immediate connexion with the Establishment. In Ireland we find Trinity College, Dublin, in existence; we find Maynooth, for the education of the Roman Catholic priesthood; and in the north of Ireland we find the College of Belfast, at which many of the Presbyterian ministers receive their education. It is quite true, that we propose, with respect to this secular education, after very mature deliberation, not to impose as a condition, on the appointment of the professors, the taking of any particular tests. Then we are told, that we are chargeable with inconsistency, and with the violation of principle, because we do not follow the same course with respect to the existing institutions in Ireland, Scotland, and England, which are intended for the education of the ministers of the Church. Do we propose to affect Trinity College, Dublin? We avow that we do not. You charge us with violation of principle, because we don't open Dublin College to the Roman Catholics. We said from the first that we did not intend to interfere with existing institutions. We deny that the principles on which we founded the new Colleges in Ireland, are justly applicable either to Dublin or to the Universities of this country. We desired to institute new Colleges without provoking opposition to them, by encouraging an apprehension that the same principles must be applied to existing institutions. We defended the new establishments solely by reference to the present state of Ireland; for we were aware, that nothing could have induced some gentlemen to have supported them, unless we said that the principle was not the best that might be acted on. The peculiarity of the case, and the circumstances of the population of Ireland, were the only grounds on which we defended our measure. What security have we taken in lieu of the application of tests? We contend that as tests are not to be applied,

we should have some security, and we therefore propose to give the Crown, at the commencement, the absolute power of appointment, and the absolute power of removal. What do we find in Scotland? We find there, that there are certain academical institutions which are immediately connected with the Church of that country. We find, that in those institutions, the ministers of the Church generally receive their education. We find, that this very Bill admits, that the academical institutions of Scotland are in connexion with the Church; for it is expressly stated by it that nothing in it shall extend to the chairs of divinity, theology, or church history; or any offices, the holders of which are *ex officio* connected with the Church. What else do we find with respect to those Universities in Scotland? We find an engagement entered into at the time of the Union, that the professors of those Universities shall subscribe a certain declaration implying their adherence to and conformity with the doctrines of the Church. Can there be any doubt as to the meaning of the conditions of the Act of Union? It is required, that before the admission of a professor, he shall acknowledge and subscribe to "the Confession of Faith" as the confession of his faith; and that he shall practise and conform to the worship and usage of the Church, and shall submit to the government and discipline thereof, and shall not endeavour to prejudice or subvert the same. The right hon. Gentleman fully admits the binding force of that engagement. He says that it is a solemn compact, and that he will not attempt to quibble it away. And what is his reasoning? He says, that in the reign of Queen Anne, in 1711, an Act of Parliament was passed, which was a violation of the Act of Union, and an encroachment on the privileges of the Church—that is to say, he contends, because 130 years since there was a violation of that compact, that we are at liberty now to disregard it altogether. And to what extent does that argument of the right hon. Gentleman go? It goes to a denial of an Established Church in Scotland altogether. It asserts that there has been none since 1711. The right hon. Gentleman says, that he will not quibble away the Act of Union. Shall we say, then, that we are at liberty to set aside the Act of Union, because 130 years since an Act of Parliament was passed of which you complain? Shall we allege that in consequence of the passing of that Act there is no Established Church in Scotland? Then the right hon. Gentleman says, that the doctrines of the Free Church are more in conformity with the doctrines of the Church at the time of the Act of Union than at present. Before the secession of the Free Church party from the Established Church of Scotland, they held no such doctrine as that held by the right hon. Gentleman. They drew a clear distinction between the Act of 1710 or 1711, and the claim which they preferred, to be exempted from the jurisdiction of the civil tribunals; and before that disruption of the Church they complained of my right hon. Friend for having classed the Act of Anne, which restored to the patrons the right of patronage, with the claim which they preferred for exemption from the civil tribunals. They said, expressly, that the repeal of the Act of Anne was desirable; but yet that it was distinct from their claim to exemption from civil jurisdiction. They said, that though one were refused, the Church might, nevertheless, continue to carry on its government in connexion with the State; but the refusal of the other would render it impossible. Distinct claims like these might, the Special Commission ventured to think, have obtained a reply, in which they would not have been mixed up one with another. Therefore, the Members of the Free Church denied that the Act of Anne was a violation of the compact entered into by the Act of Union. Then, if we were to say to the Church of Scotland, that we are at liberty to set aside the Act of Union, is it not clear that no long interval may elapse, if we acquiesce in this Bill, when it will be said to us, "You have established those institutions in Ireland; you have no tests there; but you have done more—you have disregarded the claims of the Scotch Universities; you have abolished the tests which you found there immediately connected with the Church; now we ask you why you refuse to extend that double principle?—why do you not abolish also the tests in the English Universities?" Now, I own that I do contemplate the separation of the youth of Scotland from their Church with peculiar anxiety and apprehension; and is it not possible, if the Church of Scotland loses that security to which she thinks she is entitled under the Act of Union, that

you may remove from her the whole of her divinity students? Your own Bill provides that the theological chairs shall still be subject to the test. I apprehend that even that modification of your Bill will possibly lead to the institution by the Free Church of academies intended for ecclesiastical education. The hon. Gentleman who spoke last, taunts us with some inconsistency in having voted for this Bill being introduced, and in now opposing it on the second reading. Sir, we were assured that this Bill would meet with general concurrence on the part of the people of Scotland; and I am not prepared to say that if the general voice of the people of Scotland had been in favour of it—I am not at all prepared to say, that in that case, Parliament would not have been perfectly right in agreeing to it; but, I must say, that when the Union of the two countries was perfected, the engagements then entered into are not lightly to be set aside, contrary to the wishes and the expression of the public opinion of the people of Scotland. What demonstration have we had on the part of the Church of Scotland in favour of this Bill? Instead of such a demonstration, it was by a majority of 240 to 11 on the part of the constituted authorities of the Church that they stated their belief that these securities were granted to them by the Act of Union, and that they applied to Parliament for the maintenance of them. Were there petitions from Scotland in favour of the repeal of these tests? Was there any demonstration from Scotland? [Mr. *Hume:* Yes.] I don't deny that there may have been some one or two petitions; but does the hon. Gentleman mean to contend that the opinion of the people of Scotland, as it can be inferred from the demonstrations in Scotland, is to be taken as being in favour of this Bill? [Mr. *Hume:* Yes.] To what extent have petitions been presented? [Mr. *Hume:* None against; and all for it. Is the recorded opinion of the Church of Scotland itself to be regarded as nothing? [Mr. *Hume:* Not more than the recorded opinion of the Roman Catholic prelates against the Irish Colleges Bill.] I said in that case, as I say here, that where there is a compact and an Act of Union, we ought not, without the gravest considerations, to set aside the provisions of such a compact. I don't mean to plead them against the voice of the people of Scotland. I don't mean to say, if the opinion of the Presbyterians were decidedly in favour of this Act, that we should rigidly adhere to a measure which was opposed to the sense and wishes of the people; but I repeat, with respect to this compact, as I said with respect to that of the Irish Act of Union, which guarantees the continuance of the Established Church, that these are matters not to be slightly regarded—that they are matters entitled to the most serious consideration, if you wish the faith and the honour of Parliament to be respected. And, with regard to Ireland, we did think that the advantages to be derived from those new academical institutions, coupled with the desire to conciliate the good will of the people of that country towards them, fully warranted their establishment. We have felt that a great prejudice would arise against these new institutions, if it were thought that the principle must necessarily be applied to other institutions of great antiquity, intended for other purposes, and guaranteed by positive contract; and upon that ground we have deemed it perfectly consistent with the principles we have maintained in respect to those new institutions, not to insist upon the condition of a test, and yet in respect to other institutions connected with the Established Church, founded for theological education, intended for the instruction of the ministers of religion, to apply a different rule; and while we impose no test on the professors in the new institutions, not to alter the system which requires, in the case of the ancient institutions that the professors and instructors of youth should take those tests which the law and usage of the country impose upon them. It is my intention to oppose the measure.

Lord *J. Russell:* I am sure it can hardly be necessary to argue further upon this question; but I do request the House, now that they are able to extricate themselves from it, not to be involved in the humiliating dilemma in which Her Majesty's Government would place them. Hitherto it has been supposed that these matters of education, of religious establishment, of religious tests, were matters of principle, one way or the other. Men who took the view that they were necessary for the maintenance of religion, and useful for the benefit of the State, like the hon. Member for Oxford University (Sir R. Inglis), steadily upheld them; other

men, who conceived that they were a snare for scrupulous consciences, and a cobweb broken through at once by those who had no faith and no scruple about these things, as constantly denounced them as worse than useless, and prayed for their abolition. Either course may be taken; either course may be defended by argument. My hon. Friend the Member for the University of Oxford can well defend his opinion; my right hon. Friend who sits near me (Mr. Macaulay) is fully capable of defending the opinion which we hold. But, now we have a Government which holds neither to one principle nor the other, which tells us one day that there is no need of religious tests—that if you wish to provide for the good of Ireland you should have none—that they have been found utterly useless—and which goes out of its way to persuade the House to reject them; and comes down on the next day, saying, that such tests are absolutely necessary for the maintenance of religion in Scotland, and that otherwise to act would be (in the language of the Lord Advocate) to act upon latitudinarian principles. Now, I do put it to the House, let them assert one principle or the other. Let them assert, as I hope they will, the principle which they have stated with regard to the Irish Colleges; but, at all events, do not let them involve themselves in the reproach that they are utterly indifferent to the matter, whether there shall be religious tests or no; that it suits the convenience of the Ministry one day to denounce them and expose their futility, and it suits their convenience the next day to uphold them for the sake of certain interests, and that this House is ready servilely to agree with them, and set at nought that character which it has formerly sustained. There is an old story of two knights meeting upon different sides of a shield, and one saw the side which was black, and the other the side which was white; the one knight maintained that the shield was white, and the other that it was black; and they fought a desperate battle, and were ready to peril their lives for the sake of the maintenance of their opinions. One can believe that each trusting to his own eyesight acted honestly and faithfully. But to tell one of the knights to come round to the black side and say that the shield was entirely black, and then go to the white side and say it was entirely white [*a laugh*], and to claim credit after that for acting upon a conscientious view, is really what no fiction has ever supposed, and what, until this night, no one ever imagined would be realized in the conduct of an Administration in this country. I will declare my own opinion fairly to the House with regard to religious tests applied to secular offices of all kinds, professorships as well as others; I believe, that while they entangle scrupulous persons, because of some (perhaps no very important) difference of opinion which prevents them taking the test, they are no guard against infidelity and irreligion. And I would point at once to three examples—Lord Bolingbroke, who was Secretary of State, Mr. Hume, who held office abroad, and Mr. Gibbon, who held office in this country; each at a time when the sacramental test was imposed, and when persons were obliged in that solemn ordinance to avow their belief in the doctrines of the Church of England. Did it prevent any one of those men from being a holder of office in the State, and being a good Tory supporter of the doctrine of Church and State? Not the least in the world; they were eminent statesmen as well as authors, every one of them; and yet my hon. Friend the Member for Oxford University would rely upon such a test. But take the actual instance on the other side. My hon. Friend has said truly that here is no question of the fundamental doctrines of religion, that there is not even a question of church government, generally speaking; but there is a difference on one point of church government; and the hon. Gentleman who has so distinguished himself this Session by the vote he gave contrary to his interest (Mr. Pringle), and who ought after that testimony to his character to be listened to by the House, has said, that the difference between Roman Catholics and Protestants is a difference in essentials; but that that between many Protestant denominations is a difference in non-essentials. I ask, what is the difference upon which you found this test? What are the men you wish to keep out by the reimposition of it—for it is a reimposition? You exclude men who do not differ upon doctrine, or even upon the general question of Presbyterian church government as held by Presbyterians in all times, but who differ upon one point of church government, which is in dispute, and for that one point you would keep up a test to exclude them from being pro-

fessors of natural philosophy and mathematics. Is not that an application of a test which prevents men holding very nearly the same opinions from coming together? If there is any man of eminence as a mathematician, would you prevent his being professor of mathematics in the University of Glasgow, because he did not hold with the present General Assembly of the Church of Scotland upon the question of Church patronage? I am of opinion that there can be no difficulty in men among whom there are such differences as this attending the same instructors, and being guided by their lessons, to the advantage of all. It has occurred to me, in consequence of late discussions, to recollect that when I was at Edinburgh, attending the University there, I heard the last lectures that were given by an eminent man—Professor Dugald Stewart; we attended the lessons of that great professor, being of different persuasions as we were, and when he retired from the chair, we, his pupils, formed a Committee to draw up an Address, and express our sense of his high merits, and regret at his retirement; there was on that Committee a Presbyterian, there were members of the Church of England, but it so happened that the persons to whom we confided the task of drawing up the Address which was adopted was a Roman Catholic—the present Lord Fingall. I mention it as a proof that men who differ may meet and derive instruction from the same eminent men without any compromise of their religious faith. Then, if that is the case, what is there which should prevent you from acceding to the abolition of these tests? You say, there is an opinion in Scotland against it; and what is the proof given by the two right hon. Gentlemen who have spoken? Why, they tell us that in the General Assembly of the Church of Scotland, a vast majority, I think, of 240 to 11, put a negative upon the proposition. No doubt it did. The members of the General Assembly are the clergy of the class who are interested; they are the excluding body. Why, suppose you asked the Primate of Ireland to call the clergy of the Established Church of Ireland together at Armagh, and put to them the question whether Maynooth should be endowed, or even the new Colleges erected? Why, in regard to Maynooth, I very much doubt whether there would be that minority of 11; I doubt whether even five or six of them would vote in favour of that or any measure considered detrimental in any way to the Established Church, and admitting others to the privileges of which hitherto they have had exclusive enjoyment. As to any proof of the opinion of the people of Scotland, that must be given by those whom they send to represent them in this House, to tell it to us by their votes; and it is not for you, the Ministers of the Crown, to overbear that opinion, and to tell us that we must not pass this law, because it is adverse to opinions which you have ascertained by consulting the General Assembly. But, then, it is against the Act of Union. Why, have we not altered that in various instances? In bringing forward the Roman Catholic Relief Bill, the present First Lord of the Treasury stated, that by the Act of Union with Scotland, both the electors and the elected (for Parliament) were bound to make declarations against the Roman Catholic faith, and that in taking away all those disabilities, it was not fit to leave that which was imposed by that Act of Union. In that instance, I believe, he did not very much consult the wishes and opinions of the people of Scotland. He acted, however, according to all true policy and wisdom. What is to prevent us in this case from establishing a good rule, and doing that for the benefit of the people of Scotland which I really believe will be approved by them? But, after all, without arguing this question any further, I am disposed to ask the House to come to the establishment of some principle or other upon these questions. My hon. Friend the Member for Oxford University says, that the Government have a general policy, and that they have made an exception to it in the case of the Irish Colleges. My hon. Friend may be right; but the greater part of those on this side of the House, when they heard the right hon. Gentleman opposite, thought that the argument was upon general grounds, and that it was a very convincing proof that the non-admission of religious tests would be a benefit. It would be very shallow to say that it is useful to have no religious tests as a general question; but that it is useful to have them with regard to establishments already made. I do not conceive that such a distinction could be very long maintained. But let us adopt one principle or the other. The country

really wants it. I believe they will be disposed to adopt sound principles on this question if you lead them aright. If, on the contrary, you are determined to maintain these tests rigidly, why they will very likely follow what I consider a prejudiced view of the subject. But, in either case, the country would have a fixed opinion, and a fixed system of policy. What would be most injurious would be, that the opinions of the country should be altogether shaken; that there should be no resting-place on which we could plant our foot; that all belief on principles to be asserted and acted on by this House should be altogether lost; that there should be no trust whatever in any such principles. Depend upon it, if you adopt that vacillating and changing course, the people of England may be at first bewildered; but when they come to their senses, they will condemn your conduct and the conduct of the Government which led you into so disgraceful a dilemma. I, therefore, end as I began, by imploring the House of Commons not to suffer this stain upon its own character; to leave the responsibility of this shifting course, this playing and trifling with great principles, to rest upon the Government of the day; let the House of Commons remain intact by such stain, and not touched by such dishonour.

The House divided on the Question that the word "now" stand part of the Question:—Ayes 108; Noes 116: Majority 8.

List of the Ayes.

Aglionby, H. A.	Curteis, H. B.
Baillie, H. J.	Dalmeny, Lord
Baine, W.	Dalrymple, Capt.
Bannerman, A.	Denison, J. E.
Baring, rt. hn. F. T.	Dennistoun, J.
Barnard, E. G.	D'Eyncourt, rt.hn.C.T
Bellew, R. M.	Duncan, Visct.
Berkeley, hon. Capt.	Duncan, G.
Bernal, R.	Duncombe, T.
Blake, M. J.	Dundas, Adm.
Borthwick, P.	Dundas, F.
Bouverie, hon. E. P.	Dundas, D.
Bright, J.	Ebrington, Visct.
Brotherton, J.	Ellice, rt. hon. E.
Browne, hon. W.	Ellice, E.
Buller, C.	Escott, B.
Buller, E.	Esmonde, Sir T.
Chapman, B.	Etwall, R.
Christie, W. D.	Ferguson, Sir R. A.
Clay, Sir W.	Forster, M.
Colebrooke, Sir T. E.	Gibson, T. M.
Cowper, hon. W. F.	Gill, T.
Craig, W. G.	Grey, rt. hn. Sir G.
Crawford, W. S.	Grosvenor, Lord R.
Hallyburton, Lord J. F.	Pulsford, R.
Hastie, A.	Rawdon, Col.
Hawes, B.	Redington, T. N.
Hindley, C.	Ross, D. R.
Horsman, E.	Russell, Lord J.
Howard, hon. H.	Scott, R.
Howick, Visct.	Seymour, Lord
Hume, J.	Sheil, rt. hn. R. L.
Humphery, Ald.	Shelburne, Earl of
Jervis, J.	Smith, rt. hn. R. V. C.
Labouchere, rt.hon.H.	Smythe, hon. G.
Langston, J. H.	Somerville, Sir W. M.
Lemon, Sir C.	Stansfield, W. R. C.
Loch, J.	Stewart, P. M.
Macaulay, rt.hon.T.B.	Stuart, Lord J.
McTaggart, Sir J.	Tancred, H. W.
Mangles, R. D.	Towneley, J.
Marjoribanks, S.	Troubridge, Sir E. T.
Marshall, W.	Villiers, hon. C.
Mitcalfe, H.	Vivian, J. H.
Mitchell, T. A.	Wakley, T.
Morris, D.	Wall, C. B.
Morison, Gen.	Warburton, H.
Morrison, J.	Ward, H. G.
O'Brien, J.	Watson, W. H.
O'Connell, M. J.	Wawn, J. T.
Ogle, S. C. H.	Williams, W.
Ord, W.	Yorke, H. R.
Oswald, J.	
Pechell, Capt.	TELLERS.
Philips, G. R.	Hill, Lord M.
Plumridge, Capt.	Tufnell, H.

List of the Noes.

A'Court, Capt.	Douglas, Sir H.
Acton, Col.	Douglas, Sir C. E.
Alford, Visct.	Duckworth, Sir J.T.B.
Arkwright, G.	Emlyn, Visct.
Ashley, Lord	Estcourt, T. G. B.
Austen, Col.	Farnham, E. B.
Bailey, J.	Fitzroy, hon. H.
Baillie, Col.	Flower, Sir J.
Baird, W.	Forman, T. S.
Barkly, H.	Fox, S. L.
Baring, rt. hon. W. B.	Fremantle, rt. hn. Sir T.
Bentinck, Lord G.	Fuller, A. E.
Bernard, Visct.	Gaskell, J. M.
Blackburne, J. I.	Gladstone, Capt.
Bowles, Adm.	Gordon, hon. Capt.
Brisco, M.	Goulburn, rt. hon. H.
Broadley, H.	Graham, rt. hon. Sir J.
Bruce, Lord E.	Granby, Marq. of
Bruges, W. H. L.	Greenall, P.
Buck, L. W.	Greene, T.
Buckley, E.	Grimston, Visct.
Burrell, Sir C. M.	Grogan, E.
Campbell, Sir H.	Halford, Sir H.
Cardwell, E.	Hamilton, C. J. B.
Carew, W. H. P.	Hamilton, G. A.
Clerk, rt. hon. Sir G.	Hamilton, W. J.
Clive, hon. R. H.	Hamilton, Lord C.
Cockburn, rt.hon.Sir G	Hampden, R.
Corry, right hon. H.	Harcourt, G. G.
Damer, hon. Col.	Harris, hon. Capt.
Darby, G.	Henley, J. W.
Denison, E. B.	Herbert, rt. hn. S.

Hogg, J. W.	Patten, J. W.
Holmes, hn. W. A'C.	Peel, rt. hn. Sir R.
Hope, Sir J.	Pringle, A.
Hope, hon. C.	Rashleigh, W.
Hope, G. W.	Repton, G. W. J.
Hughes, W. B.	Rolleston, Col.
Hussey, T.	Sanderson, R.
Inglis, Sir R. H.	Seymour, Sir H. B.
Jermyn, Earl	Shaw, rt. hon. F.
Jocelyn, Visct.	Smith, rt. hn. T. B. C.
Johnstone, Sir J.	Somerset, Lord G.
Knightley, Sir C.	Spooner, R.
Lennox, Lord A.	Sutton, hon. H. M.
Lincoln, Earl of	Taylor, E.
Lockhart, W.	Tennent, J. E.
Lowther, hon. Col.	Trench, Sir F. W.
Lygon, hon. Gen.	Trollope, Sir J.
Mackenzie, T.	Trotter, J.
Mackenzie, W. F.	Vivian, J. E.
M'Neill, D.	Waddington, H. S.
Meynell, Capt.	Wellesley, Lord C.
Mildmay, H. St. J.	Wortley, hon. J. S.
Neville, R.	Wortley, hon. J. S.
Newdegate, C. N.	Wynn, rt. hn. C. W. W.
Nicholl, rt. hon. J.	
Northland, Visct.	TELLERS.
Packe, C. W.	Young, J.
Palmer, G.	Baring, H.

Main question as amended put, and agreed to. Second reading of the Bill put off for three months.

RELIEF OF ROMAN CATHOLICS.] The Order of the Day having been read for a Committee of the whole House on the Roman Catholic Relief Bill,

Mr. *Watson* said, as the measure had advanced to its present stage without any discussion of its principle, he wished to state the grounds on which he asked for the assent of the House to it. Its object was to repeal the remaining penal laws affecting the Roman Catholics. He had no wish to touch the safeguards of the Church; but he proposed to abrogate a variety of penal enactments in various Statutes, passed in former times, when antipathy to the Roman Catholics was the prevailing sentiment. The present measure was introduced along with the Act of last Session in the House of Lords, and passed the Committee there; but the Session being so far advanced, it was considered that only those clauses should be left in the Bill which could pass without any objection whatever. Various Members of the Government, and among them the Lord Chancellor, expressed their approval of its provisions; the only objection being, that it did not go far enough, and that a more complete Bill should be brought in to repeal those penal laws affecting the Members of various religious persuasions, which were a disgrace to the Statute Book and to the present age. The right hon. Baronet appointed a Commission, which during the present Session made a most valuable Report on the laws affecting all classes of religionists. It might be said, that this Bill did not go far enough, because it did not apply to other Dissenters. He felt strongly this objection; but once affirm the principle that penal laws directed against a form of religion were unjust, and the rest was a mere question of time. The first class of measures which he proposed by the present Bill to repeal, were those affecting persons acknowledging the religious supremacy of the Pope. The Report stated, that they ought to be repealed; and none of the Relief Acts at all affected the penalties imposed by those measures; unless the parties should have taken the oath prescribed by the Relief Act, 10 Geo. IV. The Acts of 1 Elizabeth and 5 Elizabeth, imposed the penalties of *premunire*, forfeiture of goods and imprisonment in the first instance, and of high treason in the second; the offence still remained, and might be disposed of before a justice of the peace. Another class of Acts related to persons introducing bulls and rescripts of the See of Rome; the next comprised Acts relating to abnegation, which were recommended to be repealed by the Criminal Law Commissioners; the next were those relating to education, which, among other provisions, enacted that no Roman Catholic should be allowed to engage in the business of instruction without a license from an archbishop or bishop of the Established Church. He now came to the class of laws called the Relief Acts, and should propose to repeal the penal clauses contained therein. The first of them was the Act 1 George III., which required all persons wishing to avail themselves of its provisions, to take the oaths within six months, and excluded certain persons from any benefit under the Act. The 13 George III., also expressly excluded persons therein specified from the benefit of the Relief Acts. The repeal of those two Statutes was recommended by the Commissioners. He now came to another class of those laws, the only one to the repeal of which he expected that any objection would be made. The Relief Act of 10 George IV., contained three clauses which he proposed to repeal; the

first forbidding ecclesiastics of the Roman Catholic Church to take their episcopal designations from sees which gave the Protestant bishops their titles. This clause answered no good object whatsoever; and, in his opinion, ought to be repealed. The next clause he asked to repeal was that prohibiting them from wearing the sacerdotal garments out of their churches. On this subject the Criminal Law Commissioners had given no recommendation; they stated that, with regard to several other penalties and disabilities still remaining, as these underwent much deliberation by the Legislature at the time of passing the Act 10 George IV., they refrained from offering any opinion. As to the clauses respecting titles and garments, he thought they were merely vexatious enactments, and ought to be repealed. The truth was, that very little consideration was given to them; they were introduced into the Relief Bill, and passed without reflection. The last clause was one to which he attached very great importance, and was of an extremely penal nature, applying to the regular clergy. By this provision, those members of the regular clergy who were in this country at the time of the passing of that Act, might remain and exercise their functions, which, in the case of most of them, consisted partly in the education of youth. But the Act provided also, that no Roman Catholic ecclesiastic, of the Jesuit, or any other monastic order, should come into this country, except by license of the Secretary of State, and that only for a period of six months at a time. If they remained here afterwards, they were liable to transportation; and if any person were educated in this country as a Jesuit, or bound by any religious vow of any monastic order, the person who so educated him, was liable to transportation for life, and the person so educated to banishment for life. These clauses, he found, on examination, though inserted in the Bill, had received no discussion whatever; but they were offensive to a highly respectable class of clergymen. The regular clergy were equally good citizens with the secular clergy, and as fit to be under the protection of the law; they dedicated themselves to education. Yet we had a penal enactment subjecting these persons to banishment for life; and when the present race died off, no one would be permitted by law to reside in the country. If they became disturbers of the law, they would be justly liable to punishment; but so long as they conducted themselves peaceably, they had as much right to education as the youth of the Roman Catholic persuasion, or any other class of persons. He expected to receive for this Bill the support both of hon. Gentlemen on that side of the House, and of Her Majesty's Government, who had declared their assent to the principles on which it was founded by passing the Dissenters' Chapels Bill, and the Maynooth College Bill. He did not introduce this as a solitary measure, but as one of a class of measures which should be passed to carry out the principles asserted in the Act of last Session, that all penal laws, affecting persons with punishment for the exercise of their religion were bad, and contrary to the principles of the Constitution. He was aware that to this Motion he might expect some opposition from the hon. Baronet the Member for the University of Oxford; but he hoped that hon. Gentleman on consideration would see that there could be no real reason for objecting to the provisions of the Bill, as he had described them. If we asserted our religion and Constitution to be supported by penal laws, we should deny them to be founded on the rock of truth. It became us to rely, for the maintenance of the Protestant religion, upon its truth, and to extend to others the same toleration which the law secured for that form of Christianity. He hoped, therefore, to obtain the unanimous consent of the House to this Bill. The hon. and learned Gentleman concluded by moving that the Speaker do now leave the Chair.

Sir *J. Graham* complained of the lateness of the hour at which the hon. and learned Member brought on his Motion, and also that it had been introduced at a time when none of the Law Officers of the Crown were present. He had on a former occasion reminded the hon. and learned Member, that with reference to the principle of the remission of the penal laws there was no difference of opinion among Her Majesty's advisers in either House of Parliament — that the principle of the necessity of repealing those laws was, he thought, distinctly admitted by the Bill which had been sent down from the other House last Session:

but that the consideration of those Statutes involved the utmost nicety of the law. The Government, feeling the force of this circumstance, referred the subject to certain learned Commissioners to report upon these Statutes in detail. To the Report of these Commissioners the hon. and learned Gentleman had referred; but when he had added that his Bill, in its present form, had received the support of Her Majesty's advisers in the other House of Parliament, he thought the hon. and learned Gentleman had gone a little too far. The most important part of the measure was the portion which went to repeal certain clauses of the Relief Act of 1829. He apprehended that he was right in saying that the Bill of last year contained no provision for the repeal of these clauses—[Mr. *Watson:* It contained the provision as it passed the Committee of the House of Lords.] If he was not much mistaken, the Lord Chancellor had distinctly stated, that no support might be expected from the Government in passing that portion of the Act. The Commissioners in this Report stated, that so far from these provisions against the regular clergy being penal, they were recent enactments, forming a part of the policy deliberately adopted by the Legislature as necessary safeguards when passing the Relief Bill; and he was not aware that either House of Parliament, had on any occasion, either directly or indirectly, expressed their assent to the repeal of these measures. Some of the Statutes referred to were repealed *in toto*, others were repealed in part, and on the whole he thought it would be highly inexpedient to take them into consideration in the absence of the Law Officers of the Crown. The Government had, as he had stated on a former occasion, called upon the Commissioners to prepare the draft of a Bill embodying the substance of their Report. He had reason to know that the Commissioners had attended to the recommendations of the Government on the matter, and that a Bill was now in an advanced state of preparation, which he trusted to see brought before Parliament next Session.

Mr. *Redington* begged to remind the right hon. Baronet, that Wednesday was the only day of the week on which an Order of the Day could be brought forward by an individual Member, and that the complaint as to the hour at which the Motion had been made was, therefore, not very well founded. He did not think his hon. and learned Friend would be doing justice to this Bill, if he did not persevere in pressing it upon the consideration of the House. It was a Bill which went to repeal some of the most odious disabilities that could possibly affect any human being, and which were, he considered, a disgrace to the Statute Book as long as they were suffered to remain upon it. He had heard of complaints being lately made in another place of certain persecutions that were said to have taken place under the laws of Scotland; and the Secretary of State reminded those who had brought it forward that they had only very lately repealed such bad laws themselves. Now, it would appear from that statement that everything necessary had been done already to purge the Statute Book from penal enactments, though evidently such was not the fact. He thought that the right hon. Baronet the Member for Tamworth ought not to have allowed fifteen years to pass since the passing of the Emancipation Act, without adopting measures to repeal these laws. Much had been said lately about the Jesuits. He was not ashamed to say that the Jesuits were a most worthy, most efficient, and most exemplary society of men; and he would venture a comparison between them and the most learned body in Europe, in every branch of literature and science. He also bore testimony to the efficiency and piety of the members of the other religious bodies, and asked if it was not a disgrace to their laws that a man who had effected so much public good as Father Mathew, should be proscribed, and should subject himself to the penalty of transportation every day that he carried on his misson? The Government had dared prejudices in small things, and he would call upon them to adopt the same course on the present occasion in respect to all penal enactments, no matter whether they had been 15 years or 500 years on the Statute Book.

Sir *R. Inglis* said, he did not complain of the hon. and learned Gentleman bringing forward his measure; but he did complain that, having been allowed to pass through two stages without any discussion upon its merits, he had refused to inform him (Sir R. Inglis) on what day he intended proceeding with it, on being respectfully requested to do so. The hon. Gentleman

now brought forward the Motion for going into Committee on the Bill at twenty minutes after eleven o'clock; and at that late hour the House was called upon to pronounce a decision on one of the most important subjects brought before them during the Session, and which was now first submitted to their deliberate consideration. The Bill proposed to repeal the Act of Supremacy—the Act prohibiting Jesuits from crowding into the country—the Act which prevented Roman Catholic bishops from assuming the titles of the sees of the Established Church; and it also, he apprehended, went to remove the restrictions which prevented Roman Catholic processions from taking place publicly through the streets of every city and town in England. He had understood from a right hon. Baronet, that Her Majesty's Ministers had had under their consideration some of the laws which the present Bill proposed to repeal; but whether such repeal originated with them or with the hon. Member, he viewed the fact with deep regret. Notwithstanding the applause bestowed upon the Jesuits by the hon. and learned Member who spoke last, it could not be denied that in public opinion, or in public prejudice (call it which people would), there were two terms of reproach which were always connected with the assumed profession of the parties; and to be like a Jew or like a Jesuit was always a designation of disfavour. To the Jesuits, he believed, was to be attributed the present unhappy condition of Switzerland. Regarding the Bill as a repeal of the few remaining protections of the Protestant Church, he could not but oppose it; and for that reason, he moved that it be committed on that day three months.

Mr. *Newdegate* seconded the Amendment.

Mr. *Sheil* said, that the hon. Baronet, the Member for the University of Oxford, ought to be the last man to object to monastic institutions in this country. As to the intercourse between this country and Rome, it seemed to him much better that it should be open and avowed, than that a sort of backstairs illegitimate intrigue and *liaison* should be carried on by Mr. Petre with that lady, who, in the opinion of Protestants, did not bear the best reputation. The hon. Baronet had asserted that Jesuits and Jews were coupled in public prejudice; but at least one Member of the Government might be found who would advocate the cause of the latter. The next statement of the hon. Baronet was, that the Jesuits had caused the disturbances in Switzerland; but he must have forgotten that Mr. Strauss had been Protestant Professor of Theology at Zurich. [Sir *R. Inglis:* And had been expelled.] Tardily expelled. He would not at this time of day discuss the merits of the Jesuits: he thought that their services in the cause of civilization had been long acknowledged: *quæ regio in terris nostri non plena laboris* was their motto, and every clime and every age had shared in the benefits they had conferred, although it was true that they were not the owners of 40,000 acres in New Zealand. For himself he had been educated by Jesuits, and he had never heard from one a sentiment that was not consistent with piety, patriotism, humanity, and liberality: he therefore took this opportunity of bearing his humble testimony to the obligations they had conferred upon mankind. It would be well if the education of the Roman Catholic gentry in Ireland were always entrusted to the Jesuits; for he defied any man to show a single book from the Jesuit press that contained a sentence or a sentiment inconsistent with genuine Christianity. He contended that the members of the Roman Catholic hierarchy placed on the Commission under the Charitable Trusts Bill, had not been fairly treated. True it was that Dr. Murray, Dr. Crolly, and Dr. Denvil had been termed archbishops and bishops, and had been allowed precedence of the Earl of Devon, but they had neither local habitation nor name, for it was not stated of what places they were archbishops and bishops. This was an inconsistency which had given offence to the whole Roman Catholic body.

Mr. *Newdegate* said, that he had not been prepared to address the House, and he should not have presumed to second the Amendment of the hon. Baronet the Member for Oxford, if he had not been deeply impressed with the importance of the subject. This Bill proposed to permit the Roman Catholic hierarchy to assume the titles of certain sees, and, among other things, to permit the conducting of their processions in public. Now matters of mere name or title, and processions, however much they might inflame that feeling of indignation which certain measures of Her Majesty's Government had excited in the minds of the Protes-

tant people of this country, were, after all, trifles, as compared with the final proposition of this Bill, which was to remove those clauses of the Relief Bill of 1829, which related to and prohibited the institution of regular monastic orders, particularly that of the Jesuits, that most rigid and most ambitious order of the Roman Church; a sect, which embraced in its institution the most dangerous and worst elements of a secret society, whose history had been marked in every country where they had been tolerated, by scenes of confusion and disorder. What was the latest intelligence of them? That they had been commanded to remove from France; and this very spring they had set Switzerland in a blaze by grasping at the education of her freeborn sons. The right hon. Member for Dungarvon had endeavoured to vindicate the order from the imputations which their whole history entailed upon them, and had stated, that having been educated among them, he had never known illiberal opinions, or principles adverse to free institutions, inculcated by them. Of the advantages in education, for which the right hon. Member was indebted to the Jesuits, the House had constant proof, and he (Mr. Newdegate) fully believed the right hon. Member, that he had never known improper or dangerous principles inculcated by them; for it had ever been the policy of that order only to sow such seed in minds they found adapted for its reception; and he was convinced that the mind of the right hon. Member would have rejected such instruction, and that his teachers knew it: such had ever been the system of the Jesuits. The House might have sufficient evidence from documents in the British Musuem; but did these facts need such illustration? He appealed from all history to the occurrences of the present day on the Continent, as evidence of character of this sect: and it was with deep regret he had heard from her Majesty's Secretary for the Home Department, that a proposition for removing the only safeguards against the propagation of this sect in Great Britain should receive his consideration. He (Mr. Newdegate) hoped that the right hon. Baronet would not be blind to the circumstances connected with this sect at present throughout Europe. For his own part he entered his solemn protest against the introduction of any measure, the effect of which could be only to give countenance to the Jesuits; and he called upon those statesmen who had supported the Bill of 1829, to justify their actions then, by their conduct now.

Sir *James Graham* wished to correct a misconception of what he had said on a former day; he had not said that Government was ready to take into consideration a measure to repeal certain clauses in the Relief Act of 1829. On the second reading of the present measure, he had expressly claimed that Ministers should not be considered pledged upon the question. What he had said was, that the Commissioners had been directed to prepare a bill strictly limited to the recommendations in their Report; and in the other House the Lord Chancellor had stated that the Government was not at all pledged upon the subject.

Mr. *M. J. O'Connell* was anxious that Ministers should pledge themselves to resist what was now required, because he was sure from experience that very soon after they had pledged themselves upon any question they gave way. If they now pledged themselves to maintain the absurd exclusions of the Bill of 1829, he had more than a hope that they would abandon them in the next Session. The truth was, that the clauses had only been inserted to satisfy the conscience of that exemplary, religious, and moral monarch, George IV.; and his reign being at an end, people could now consider what they were really worth. The onus was upon the opponents of the Bill to show that these outrageous laws should remain on the Statute Book, which could not be enforced. He hoped that his hon. Friend would go to a division, to see who was for and who was against it. His own opinion was, that all restrictions upon religious belief were as unjust to men as they were insulting to God.

Mr. *Bickham Escott* felt disposed to oppose the Bill, because the Government had asked time for the consideration of the subject, so as to bring in a measure. He believed that the Bill was founded on the principles of justice and sound policy; and he considered the Acts alluded to, to be a disgrace to the Statute Book. If he heard that it was the intention of Her Majesty's Ministers to do away with those enactments on account of religion, he would not vote for the Motion; but if that was not the case, he should give it his cordial support.

Sir *R. Peel* stated, that last Session he had brought in a Bill for the repeal of certain Acts which affected a certain part of Her Majesty's subjects. At that time it was intimated to him that he was not justified in giving relief to one class, and giving no relief of a similar character to another class. The whole subject was so complicated, and involved in so many Statutes of an ancient date, that he stated he would refer it to Commissioners to consider those laws. The Commission was composed of very eminent men, and their Report on the subject was not in the possession of the Government until the last week in May, and he had not seen it until June. Now, from the complicated state of public business connected with the various departments, and also from the necessity of considering the measures to be submitted to the House, and also from their sitting in that House from eight to nine hours a day, for four or five days in the week, it was utterly impossible to give full consideration to all the subjects that might come forward. The question of these laws had also reference to persons keeping schools, who were not Roman Catholics, but Dissenters from the Establishment. The Government felt that an impartial view should be taken, and that the measure should comprise all classes; they had, therefore, desired the Commissioners to prepare a Bill on the subject of these ancient Statutes. He could not pledge the Government more than to say that they would give the fullest consideration to the measures which should be proposed by the Commissioners. The enactments of the Bill of 1829 were of a very different character, and he was not able to make any promise or any pledge on the subject. No doubt, as had been stated, there would be considerable opposition out of doors to any proceeding on the subject. He fairly owned that there were many enactments which should not be continued; and he had no hesitation in saying that he was ready to encounter opposition on the subject of the removal of these enactments from the Statute Book. He could not pledge himself to any particular clauses of the Bill of the hon. and learned Gentleman; but he could assure him that the subject should receive the fullest consideration. He was now speaking of the ancient enactments, and did not refer to those which were imposed when the Catholic Relief Bill passed. He hoped, after what had passed that the hon. Gentleman would not press the measure.

Lord *John Russell* considered that the Bill involved two very separate questions. The first was, whether they should consider with a view to their repeal certain ancient enactments. On this part of the subject, after what had fallen from both the right hon. Gentlemen opposite, the House should be satisfied with their declarations. It certainly would at that moment be difficult for the Government to say what clauses of the Bill of the hon. and learned Gentleman should be repealed; he therefore would suggest that this part of the subject be left to them. The other question was of a very different character; he alluded to that part which referred not to any old restrictions, but to those imposed by the Act of 1829, he meant the disallowing clauses in the Bill, introduced by the right hon. Baronet at the head of the Government. The question was, whether they were prepared to make alterations in this law. This subject might have been referred to the consideration of the Commissioners, or it might, without this, have been considered by the Government as a question of policy, in the Amendment of the law of 1829. They had done neither, however. They now stated that there would be no reference to this Act in the measure they intended to propose. He, for one, was prepared to go into Committee on those clauses of the Act of 1829. He did not say that he was at once prepared to repeal all those clauses, but he was willing to go into Committee to deliberate on the subject. He believed that they might repeal those disallowing clauses which prevented a Roman Catholic bishop assuming a title held by a bishop of the Established Church. He could not conceive any good ground for the continuance of this restriction. With respect to the question of the Jesuits and the regular orders, he did not think that the Act of 1829 was satisfactory; but he should like to look into the laws of other countries in Europe; and above all, into those of Catholic countries, on the subject of these religious orders. As a general principle, he should say, do away with all these restrictions; but if they found that in Catholic countries there were some regulations as to the registration of the members of an order, or similar restraint, he should say that it was a fair subject

to go into Committee to deliberate upon, although he would not pledge himself for the immediate repeal of all these restrictions. As for going into Committee that evening, it was a subject for the hon. Gentleman's consideration: but if he divided the House, he would vote for the Motion.

Mr. *Watson* said, that he should certainly take the sense of the House, as he did not conceive that he had been treated well by the Government.

The House divided on the Question, that the words proposed to be left out stand part of the Question: — Ayes 47; Noes 89: Majority 42.*

Committee put off for three months.

House adjourned at a quarter past one o'clock.

HOUSE OF LORDS,

Thursday, July 10, 1845.

MINUTES.] BILLS. *Public.*—1ª. Constables, Public Works (Ireland); Turnpike Trusts (South Wales); Administration of Justice (Court of Chancery) Acts Amendment.

2ª. Foreign Lotteries.

Reported.—High Constables; Documentary Evidence; Seal Office Abolition.

3ª. and passed:—Arrestment of Wages (Scotland); Brazil Slave Trade; Jurors (Ireland); Timber Ships; Assessed Taxes Composition.

Private.—1ª. Marquess of Westminster's Estate; Saint Matthew's (Bethnal Green) Rectory.

2ª. Saint Helen's Canal and Railway; Marsh's (or Coxhead's) Estate.

Reported.—North Walsham School Estate (Lord Wodehouse's); Glossop Gas; Great Southern and Western Railway (Ireland); Sir Robert Keith Dick's Estate; Preston and Wyre Railway; Runcorn and Preston Brook Railway; Bermondsey Improvement; Londonderry and Coleraine Railway; Sheffield Water Works; Saint Helen's Improvement; Norwich and Brandon Railway (Diss and Dereham Branches); Glasgow Junction Railway; Bristol and Exeter Railway Branches; Dublin and Belfast Junction Railway.

3ª. and passed:—Great North of England, Clarence, and Hartlepool and Junction Railway; Keyingham Drainage; Forth and Clyde Navigation, and Union Canal Junction; Richmond (Surrey) Railway; Liverpool and Manchester Railway; North Wales Mineral Railway; Great Western Railway, Ireland (Dublin to Mullingar and Athlone).

PETITIONS PRESENTED. From Warrington and Latchford, for the Suppression of Intemperance, particularly on the Sabbath.—From Ministers and others of Southampton, and several other places, for substitution of Declarations in lieu of Oaths.—From Wiveliscombe, against the Real Property Deeds Registration Bill.—By Duke of Richmond, from Brede and numerous other places, for the Repeal of the Malt Tax.—By Lord Lyttelton, from Charles Miller, M.A., for Repeal of the Tithe Commutation Act.—By Duke of Richmond, from Stockholders and others of the Colony residing at Clarence River, for Alteration of Law relating to Territorial Revenue and Disposal of Land (New South Wales).—From Matthew Phillips, Surveyor, &c., praying that evidence given by him before a Committee of this House some years since, may be reconsidered, and in favour of the Field Gardens Bill.—From Committee of Church Missionary Society of Africa and the East, for effectually securing to Natives of New Zealand, the full enjoyment of their Lands.

* For Division List *see* End of Volume.

PRIVILEGE.] The Duke of *Richmond* wished to call the attention of their Lordships to a petition relating to privilege. It was from Thomas Baker, of Albion House, Great Church-lane, Hammersmith, formerly superintendent of the C division of the Metropolitan Police Force, but now retired upon a pension. It stated, that he had been called upon to attend and give evidence before their Lordships' Select Committee on the Laws relating to Gaming; and that a person of the name of John Harlow had commenced an action for damages against him for words spoken upon that occasion; that John Harlow intended to proceed to trial on the 31st instant, at the Croydon assizes. The petitioner had not pleaded to the action, but prayed their Lordships to take the premises into consideration, and to grant him such protection as might seem meet. The noble Duke observed, that Mr. Baker had not volunteered his evidence, but had been called upon to give it, having been inspector of that division of the Police, whose duty it was to watch the gambling-houses in the district. He had been examined upon oath, and, under the sanctity of that oath, had no doubt spoken the truth. The noble Duke said, that he had known Inspector Baker for a great many years, and he had served not only during the Peninsular war, but at Waterloo, and he believed that a more honourable man did not exist. It did not become him, not being a law Lord, to offer any opinion on the question; but he begged to be informed what course it was fit, under the circumstances, to pursue?

The *Lord Chancellor:* It is perfectly clear that if the statement contained in the petition be true, this action cannot be sustained. The petitioner alleges that the words, for the using of which the action has been brought, were spoken by him before a Committee of your Lordships' House. I believe an indictment may be maintained for perjury against a party who has sworn falsely before a court of justice; but I apprehend it is perfectly clear no action can be sustained for words spoken by a witness in evidence before any such court. But that is not the question at present—the question is, whether, under the circumstances disclosed by the petition, we should protect the defendant. It is stated in the declaration that the words were spoken "in the presence and hearing of the Committee." It

is possible, therefore, that the plaintiff may represent his case to be of this description, that the defendant had repeated the words in the presence and hearing of the Committee of the House, and yet may not have been at the time speaking as a witness upon oath. I should recommend your Lordships to appoint a Committee for the purpose of searching for precedents to regulate our proceedings. Circumstances make it incumbent on your Lordships to attend more particularly to this matter, because we are ourselves a court of justice in the last resort. If this case should go on, it may ultimately come before us for decision as a Court of Appeal. I, therefore, beg to move that a Select Committee be appointed to search for precedents, and that the said petition be referred to such Committee.

Lord *Campbell:* I move, my Lords, as an Amendment, that the plaintiff and his attorney be summoned to attend at the bar of this House. In my opinion there is no occasion for any Committee—no Committee can be of the slightest service. There is no doubt that you have here an action brought against a witness, for evidence given on oath before a Committee of your Lordships' House. I entirely agree with what has been laid down by my noble and learned Friend, that no such action in point of law can be maintained; but shall you allow a witness who has been summoned before your Committee to be harassed by such an action? Nay, more my Lords, will you allow your privilege of summoning witnesses, and of examining them before a Committee, to be submitted to any Judge who may happen to sit on the trial of that case? I do say, my Lords, that if you are prepared to imitate the example set you by your ancestors, you will immediately interfere, and put a stop to this action. The most recent case on the question of this privilege which has occurred before your Lordships' House was one which took place during the time when that illustrious Judge, Lord Eldon, presided on the Woolsack. It arose out of an action brought against one of your messengers for taking an umbrella belonging to a visitor, who was standing at your Lordships' bar when the House was sitting as a court of justice. Upon the Motion of Lord Eldon, the plaintiff and his attorney, who had commenced an action before the court of requests, were summoned to the bar, and informed, according to your Lordships' determination, that they would both be committed if they did not at once abandon all legal proceedings. I cannot doubt that your Lordships are now prepared to summon both this plaintiff and his attorney at your bar; and if it shall turn out that the action is brought for words spoken by the witness in evidence before your Committee, that you will commit to prison the plaintiff and his attorney, if they persist in prosecuting the action. It will be utterly impossible for you to exercise your iniquisitorial powers, unless you protect the witnesses in the evidence they give. The Committee in question was a most important one. It was to inquire into the frauds alleged to arise from gaming. There were many witnesses examined, and many transactions inquired into, and a great deal of fraud and dishonesty disclosed. If any person is permitted to bring an action against a witness who should have disclosed that person's infamy, in what situation would the witness stand, and in what a situation would your Lordships be? You would ever after deprive yourselves of the power of instituting any such inquiry. Your privileges are now assailed in the most alarming manner, and unless you make a resolute stand they are irrevocably gone. I have heard it suggested that the witness might have repeated these words at another time; that after having given evidence before the Committee he might have repeated in the presence of the Committee, not upon oath, and not judicially, what he had said before, and therefore that might be considered malicious, and sufficient to form a ground of action. But in his petition the party declares that he never did use the words unless when he was examined upon oath before the Committee. It, however, may be learned from the plaintiff and his attorney, if called to the bar of the House, what is the real ground of the action. If it be for words spoken on some other occasion, then let the action proceed, and let a jury give a verdict upon it; but if it should turn out, as I have no doubt it will, that the action has been brought for words spoken by the witness when on oath before the Committee, then I implore your Lordships, in accordance with all the precedents you have ever acted upon, that you will at once interpose to protect this witness. In

the present case there is not time for any Committe to inquire for and examine into precedents. The trial is to take place on the 31st of July in the county of Surrey; and I have no doubt he will be called upon to plead in four days from the time declaration is filed. Before the Committee have made their Report, a judgment may be obtained, and a verdict for 1,000*l.* may be given by a jury against the defendant; and this because he has obeyed your Lordships' summons. It may be said that the defendant may justify; but how? Are you to expose him to the same peril to which all your own privileges appear now to be exposed? My Lords, I shall move as an Amendment, "That the plaintiff and his attorney be summoned to appear at the bar of this House to-morrow at five o'clock."

The Earl of *Ellenborough:* I entirely agree with the noble and learned Lord as to the course it is essential, for the maintenance of the dignity and privileges of this House, and of its authority, for your Lordships to pursue, and I shall give my vote in support of the noble and learned Lord's Amendment.

Lord *Brougham:* My doubt is this, and I fairly state it to your Lordships. This is the first time that the question has ever been brought before the House. We have not had one quarter of an hour by the clock to consider what course it would be the best for us to take. We have not had one quarter of an hour to look into precedents. We are surrounded by very serious difficulties. We have at present the statement, and only the statement, of the party against whom the ac ion is brought. If you look at that statement, he does not himself say that the action is brought for words spoken by him in giving his evidence upon oath. He says, he believes it is for words spoken by him in the presence and hearing of the Committee. My noble and learned Friend on the Woolsack has suggested that it does not at all follow from necessity that those were words used by him in giving evidence before the Committee. Though he says (it is his own assertion, no doubt), that he never did, except upon the occasion of being examined before the Committee, say anything respecting Mr. Harlow, still he may have done it upon that occasion without being at the moment giving evidence on oath. My noble Friend opposite (the Earl of Ellenborough) is ready to denounce this as a breach of privilege. I have had some experience on questions of privilege. I was present and took part in the argument of the great case of privilege at your Lordships' bar; and I will venture to say that whoever has the most considered the question of privilege will find the most difficulty in reconciling the conflicting decisions and precedents on the subject, and especially in deciding, as my noble Friend, who is not a member of the profession, has done off hand, that this is a breach of privilege. Taking such extremely breathless haste as our guide is never safe. We ought never to come to a hurried decision when a little time for deliberation might make our proceeding more useful and satisfactory in its results. In all cases arising in the House of Commons, the first thing done is the adoption of the course suggested by my noble and learned Friend on the Woolsack—namely, the appointment of a Committee to search for precedents. You are not like the House of Commons, a mere inquisitorial body. You are a high criminal court of justice in the last resort. The matter propounded is, that you shall call the plaintiff and his attorney before you, with the manifest intention, that if you are satisfied, on examining those parties, that this action is brought for words spoken under certain circumstances, you will stay the action by exerting your power of force against the author of that action. That is a great step for any court of justice to take. It is a very novel position for your Lordships to find yourselves in: that you, a court of judicature, who as a criminal court in the last resort, may have to decide this very case, should at once say "we will not allow this action to proceed." But it is said—"Only examine the plaintiff!" Is it nothing, my Lords, for a plaintiff, upon the mere application of the defendant—his adversary — to be called upon to disclose his case? But that is what you are doing, and upon what ground? Simply because the defendant tells you his story, he being the adversary of the plaintiff. I am not the man to advise your Lordships, without further consideration, to pursue this extraordinary, not to say extr me course of calling upon a plaintiff to tell you what his case is, merely because the defendant asks you to do so by telling his account of the matter. I am, above all things, for maintaining the purity and independence of

the administration of justice, and I believe that the privileges of both Houses of Parliament never can be safer, and never can be rested upon a more secure foundation than if they are left, like the rights and privileges of all the rest of the community — the Sovereign included — the Crown included—left to the administration of civil and criminal justice in those courts which are not political tribunals, the courts of the law of the United Kingdom.

Lord *Cottenham* said: As to what course your Lordships ought to pursue, if the facts stated in the petition be correct, is a question well deserving consideration; but as to what the petitioner has stated, it appears to me he puts the matter beyond all dispute. He, in the first place, states what the declaration itself states, that the action professes to be brought for words spoken in the presence and hearing of a Committee of this House. He then goes on and states, that he never upon any occasion, except upon giving his evidence before the Committee, spoke or published any such words as are charged against him in the declaration, and that he verily believes that the action has been brought for words so spoken. Of course he could not state more than his "belief," as he speaks of the reasons that actuate another man's conduct. Under these circumstances (there may not be a word of truth in it, but looking at the allegation) it does appear to be a most direct and distinct breach of the privileges of the House. Therefore, the only question is, in what way will the House assert its privileges? Beyond all doubt, the House will take as much time as circumstances will admit; but my apprehension is, that there will be no time if you do not act this evening by summoning the parties to-morrow. The mischief will have occurred before Monday. I trust your Lordships will not follow an example set elsewhere, and permit the party to plead, and thus involve yourselves in difficulties from which it may not be possible to escape. If your Lordships' privileges are to be asserted at all, it is at the time when they are first invaded. Therefore, although I am anxious to take as much time for deliberation as circumstances may admit, yet if your Lordships do not act to-day, you will, in all probability, lose the opportunity of acting at all.

Lord *Denman*: With great respect, then, I hope your Lordships will not act at all. I hope the plaintiff will be allowed to assert his right in a court of law. The evidence may have been maliciously given to his prejudice, and he may be ruined in consequence of that evidence being given. I think your Lordships, being in the last resort a high court of justice, ought to be very slow before you say to any one of Her Majesty's subjects, on bringing an action against another for an alleged injury done to him, "You shall not proceed in a court of justice to show that you have been injured, and to obtain redress for that injury." But it is said that this petitioner and witness would be harassed if this action were allowed to be brought against him. Would he not be equally harassed if he were indicted for perjury? and yet are your Lordships prepared to interfere in such a case? Would your Lordships prevent such an indictment because the party indicted came and told you that he was guiltless of the crime of perjury alleged against him, and that he had said nothing but the truth? Are your Lordships prepared, on such an allegation, to declare that you will not allow the law to take its course, nor will allow the question as to the falsehood or truth of the party's statement to be investigated by a competent legal tribunal? I think your Lordships will incur a most serious responsibility if you undertake to interfere thus without great deliberation. It will not be in my power to attend the House after this day, because I shall be obliged to proceed on the circuit. For that reason, I am induced to enter rather more fully than I otherwise might have done, into my views upon this most important question. I do not think any injury will arise to the parties from delay. My noble and learned Friend (Lord Campbell) says that all the precedents are one way, and that it will not be very difficult to find them. He mentioned but one precedent—that known by the name of the umbrella case, a precedent which I trust your Lordships will not be eager to follow when you know the facts. A person, while attending at the bar of your Lordships' House, when sitting as a court of justice, lost his umbrella, and believing that one of your Lordships' messengers had taken possession of it, he brought an action in the court of requests against the messenger. The House of Lords thought it became its dignity and sense of justice to interfere, and prevent the plaintiff from establishing his right to his property, and

to the fact of his having been illegally deprived of it. I cannot think that that is a case which your Lordships will feel proud or anxious to act upon. I beg to express my very great disapprobation of actions being brought for the sake of producing collisions between Parliament and the Courts of Justice—a circumstance at all times much to be deplored—actions brought for the purpose of obtaining from the prejudices or excited feelings of a jury damages which greatly exceed the amount of injury sustained. I do, at the same time, think that there is no more certain mode of encouraging such proceedings, than by interfering with a view to stop the due course of justice between the Queen's subjects by the high hand of power on the part of Parliament, under the pretence that the parties against whom such proceedings were taken were acting under its protection. I should be very slow in offering any opinion upon this case. The facts at present before your Lordships are merely *ex parte*. I know that the proposition before your Lordships is, that the facts be inquired into by summoning those parties to the bar who are supposed to have injured this petitioner, that is, to summon the plaintiff and his attorney. But, by summoning those parties before you, your Lordships pledge yourselves to take some course, provided certain disclosures are made; but which disclosures, I humbly apprehend, ought not to be sought for from any of Her Majesty's subjects who are only seeking to establish their rights in a court of justice. I am very unwilling to commit myself without necessity upon a point of law; but I have not the least difficulty in saying, that if this statement be true, and I have no doubt it is—if this respectable person, of whom the noble Duke has spoken so highly, has really done no more than what is stated in his petition, then I have not the least difficulty in saying, nay, it admits of no doubt, that the plaintiff cannot hold up his head in a court of justice. What! when a competent tribunal, justly held in the highest respect by the country—a Committee of the House of Lords, appointed to inquire into the necessity of making an amendment in the law of the land—when such a tribunal summons before it a public officer, a man competent to speak of the conduct of certain parties having relation to that law, and when that officer shall have fairly and fully disclosed what he knows on oath—is he to be accused as a malicious slanderer because he makes that disclosure? It could not be endured for a moment: and do your Lordships believe that any court of justice would say that a plaintiff could possibly succeed in such an action, or that a witness so conducting himself should be punished? Why should it be supposed that a court of justice would overlook all circumstances of this nature? All confidential communications, that are made *bonâ fide*, are privileged communications; but the privileges of the House of Lords, and of your Lordships' Committees for the purpose of public inquiries, stand beyond the reach of any criminal or civil proceeding by way of action. I venture to think, although I know what has been said in another place, that there is nothing in the conduct or in the disposition of the courts that disentitles them to the credit of wishing to put down any action brought under such circumstances. But, on the other hand, is it to be maintained, if parties will vent any personal malice, or will indulge in any personal and unjust reflections to the prejudice of others, while giving evidence before a Committee of your Lordships' House, that those persons are not be pursued in order that the facts may be inquired into, and be decided upon in due course of law? But upon this more general ground—a ground which has been considered and felt at all times by those Judges who were aware of the high privilege they enjoyed, of standing between irresponsible power and those whom it was sought to make its victims—I am opposed to the undue interposition of privilege to impede the due administration of justice between subject and subject. The feeling which has actuated all those Judges who have thus appreciated their own high privilege, has been this—"We know our duty, and that duty we will perform; we will perform it without fear or favour, for the protection, not of one class, not of an individual who happens to have been a witness before a Committee either of this place or of another place, but for the protection of all; for doing equal justice to all, in order that those who are injured may obtain redress, and that those who complain that they are injured may have the right to show how and wherein they have suffered." These are general grounds, I think at least, sufficient to induce your Lordships to pause before any steps are taken. I should have thought the Motion of my noble and learned Friend on the Woolsack, if any course was to be taken on the subject, was the only course

that a deliberative body, with due regard to their own high station, and to the great power they possess, and the great injury they may by possibility inflict, could have taken on such proposal being made. My Lords, I venture to warn you against the notion that dignity consists in taking sudden offence, and in putting down all who question your proceedings. There may be good grounds for the statements of those who come before you for protection. Your Lordships do not possess the means of investigating the merits between the contending parties; but if those grounds exist, the assertion and proof of them will be available to the party complaining in any court of justice in the kingdom.

Lord *Campbell* would warn their Lordships of the infinite importance of the step they were now about to take. If they refused the Amendment he had proposed, they would be declaring to all the world that let an action be brought against any one for what he might have said before a Committee of their Lordships' House, they would not interfere to protect him, even though he should be a Peer of the realm.

Lord *Brougham* had always said that the House had the right to commit for contempt of its privileges. The courts of law had the same right. He would ask, however, if an action were brought against a witness for something which he had said upon oath in the Court of Queen's Bench, would the Lord Chief Justice call the plaintiff and his attorney before him and ask him on what account his action was brought; and if they replied "On account of what the defendant had said before you," would the Lord Chief Justice then say, "Then I commit you for contempt?" Yet that, he considered, would be tantamount to acceding to the Motion of his noble and learned Friend near him. He would only add, that if the statements contained in the petition were true, this was one of the most ridiculous actions that had ever been brought against any person.

On Question, That the words proposed to be left out stand part of Motion? House divided:—Content 33; Non-Content 22: Majority 11.

Resolved in the *Affirmative.* Then the original Motion being put,

The Marquess of *Clanricarde* contended that if they allowed their privileges to go to the courts of law, they gave up their prorogatives and submitted themselves to the other courts. He wished to know with what justice they could ask witnesses to give evidence before their Committees, by which they would subject themselves to penalties such as that which the petitioner had incurred? He said penalties, because the petitioner had already incurred expenses, and which would be further increased. If witnesses were to be subject to such actions, they could not, in justice, be expected to come forward and tell the whole truth on matters upon which it was necessary for the House to be informed.

Lord *Stanley* protested, on the part of the Government, against the doctrine that the House was abandoning those persons who gave true and faithful evidence in obedience to their Lordships' orders. There could, he believed, be hardly a dissentient voice to the proposition that it was their duty to protect those persons. By the vote the House had just come to, they had not abandoned one jot or tittle of the privileges of the House; but what they had done was to abstain, on the recommendation of his noble and learned Friend, from taking a hasty course the moment a petition had been presented. They had been recommended to take some short time to examine into precedents of the course adopted on former occasions, in order to assist them in arriving at a decision upon the course to be taken in the present instance. He conceived that neither their Lordships' privileges nor the cause of those persons who had given evidence before them, were compromised, if, upon conflicting opinions being expressed by the highest authorities upon such a question, their Lordships took twenty-four hours to consider the wisest course to pursue.

The Earl of *Ellenborough* could not but feel apprehension if, after the Report of the Select Committee, the House should adopt the course recommended by the noble and learned Lord opposite, that a most serious effect would be produced upon evidence given in future before Committees of their Lordships' House. It was essential that evidence given before those Committees should be given without the apprehension of punishment—it was essential that it should be given without fear. If witnesses—even although they should ultimately receive indemnity—were to give evidence under the apprehension, so embarrassing and distressing to nervous minds, that they might be forced into a

court of justice as a result of their testimony, they would flinch from telling the truth, and their Lordships would find themselves unable to exercise one of the most important of their functions, that of extracting truth from witnesses before Committees.

Lord *Brougham* agreed, that nothing was more important than that evidence should be given without apprehension; but he feared their Lordships could not carry out the principle contended for by his noble Friend opposite. Suppose in this case the petitioner had given false evidence before the Committee against Mr. Harlow, the latter had only to prefer his bill of indictment before the grand jury, and, upon the bill being found, the witness would then be put upon his trial for his evidence.

Lord *Cottenham* said, that the House having rejected the Amendment of his noble and learned Friend, the question before them was the original Motion of his noble and learned Friend on the Woolsack. The petitioner had stated a most distinct breach of privilege; and that having been brought under the attention of the House, they had postponed the consideration of the case to search for precedents. What were the Committee to inquire into? Into the question what their privileges were? Or into the mode of asserting them? He apprehended that both those points were perfectly clear and plain, and could not be elucidated by the labours of any Committee.

Lord *Campbell* believed, that the House would hereafter regret that his Amendment had been lost. They must now, he supposed, adopt the Motion of his noble and learned Friend on the Woolsack; but he hoped that the Committee would enter to-night upon the consideration of the question, and make their Report to-morrow, by which course only twenty-four hours would be lost.

The *Lord Chancellor* said, that so far as he was concerned, no delay should take place; but his noble and learned Friend seemed to consider that the inquiry of the Committee was much more limited than it really was. They had to inquire into the whole cause of proceeding from beginning to end; and when their Lordships considered the result of the course which had been pursued in the other House of Parliament, he would suggest a little caution, in order that they might weigh the consequences of every step.

The Earl of *Ellenborough* apprehended, that the duty of the Select Committee would only be to examine into and report to the House what had been done on former occasions.

The Duke of *Richmond* said, it had been suggested by some noble Lord, whether the words spoken by the petitioner might not have been in conversation with the Committee, and not as strict evidence upon oath. He (the Duke of Richmond) was chairman of that Committee, and could inform the House that the witness stood in the witness box, and answered upon oath the questions put to him, and which he was bound to answer. In an examination of the kind that took place before the Committee upon Gaming, it was necessary to put the most searching questions. With all the blackguards the Committee had to deal with, it was most difficult to get any evidence at all, except from the police, The petitioner had given his evidence in a very proper way; and it was to be hoped the House would protect him. If the minutes of evidence had not been printed, the House must have trusted to the Committee's Report. But in these cases the House sent their evidence to the other House, and they choose to sell it. No men would give evidence if they could help it, when they found they might be subject to inconvenience and pecuniary loss by so doing.

Motion agreed to, and Committee nominated.

FORGERY OF NAMES IN RAILWAY DEEDS.] The Duke of *Richmond* called the attention of the House to two petitions of James Pym; and which had been placed upon the Table, making a direct charge against certain directors of a railway company, or rather stating, that in their deed of contract, there were ten or fifteen cases of forgery. So serious an allegation should not be made without an inquiry being instituted; and he would suggest that a Select Committee be appointed to which these petitions should be referred. He was aware that some difficulty might be experienced in obtaining a full attendance of Peers, on account of so many being engaged upon Railway Committees; but it would not be satisfactory to the public to allow such allegations to pass unnoticed.

The Marquess of *Clanricarde* wished to know if the noble Duke proposed to refer the Bill, to which petitions related, to the proposed Select Committee.

The Duke of *Richmond*: Only the petition; but I think the Bill ought not to pass until the Report of the Committee has been received.

The Marquess of *Clanricarde* objected to the progress of the Bill being delayed.

The Duke of *Richmond* said, he knew nothing of the case but this—the petitioners stated that they had never signed or authorized any one to sign their names for them, whereas people had sworn that they had seen the parties sign.

The Marquess of *Clanricarde* apprehended that it was a case of perjury, punishable in the ordinary way before a court of law; but he did not see why the Bill should be delayed on account of this allegation, because, supposing all these names erased, there would still remain a sufficiency of surplus to carry on the work.

Lord *Brougham*: The House might *in pœnam* of such proceedings delay the Bill.

After a short conversation,

The Duke of *Richmond* said, he did not desire to delay the Bill long, but only until an inquiry had taken place. He must inform the noble Marquess that the amount of 100,000*l.* had been struck off the subscription for noncompliance with the Standing Orders, and then would remain the question, whether enough surplus still remained to carry on the works. It would be absurd to pass the Bill through all its stages until that fact was ascertained.

The Earl of *Devon* said, he was tempted to move the adoption of an intermediate course, as an Amendment on the Motion of his noble Friend. Why should not the petitions be referred specially to the Committee of the Bill, with power to inquire into the allegations contained in those petitions; and also whether, if the fact were proved, it ought to delay the further progress of the Bill.

The Duke of *Richmond* said, his noble Friend could not take that course; for by the Standing Orders of the House, the Committee could not entertain the inquiries proposed, and his noble Friend must, therefore, give a day's notice of moving the suspension of the Standing O der.

After a few words from the Marquess of *Clanricarde* and the Earl of *Charleville*,

Lord *Monteagle* said, such a case as an allegation of the forgery of fifteen names should not be suffered to pass without strict inquiry. Only last night a statement had been made regarding a Member of the other House, who had been rendered liable to the amount of 30,000*l.* by the insertion of his name in an Act of Parliament without his authority. No inconvenience could result from postponing the measure; and although he should regret this particular Bill being lost, he would rather that should happen than these allegations pass without inquiry.

Committee nominated.

DOCUMENTARY EVIDENCE BILL.] Lord *Brougham* moved, that the House do resolve itself into a Committee on the Documentary Evidence Bill. The noble and learned Lord explained the state of the existing law respecting documentary evidence, and the defects which the Bill was intended to remedy. Railway Bills had introduced sundry anomalies in this branch of the law; and whilst providing for the admission of documentary evidence, omitted to attach penalties in cases of fraud. The Great Western Railway Company had obtained the insertion of a clause stating that—

"Whereas, the books of the Company were by law evidence against them, it was very expedient that they should be also evidence for them."

It therefore enacted, that, with respect to all questions of rate, the entries in the books of the Company should be evidence for the Company of all matters contained in them. The Bill corrected all these anomalies, and made it forgery to counterfeit certificates of documents. There was likewise a clause to enable the Journals of either House of Parliament to be given in evidence. The noble Lord concluded by moving that the Bill be committed, in order that when the Report should be brought up, he might propose his Amendments, and have the Bill reprinted, and afterwards recommitted.

The *Lord Chancellor* highly approved of the suggestion of his noble and learned Friend with respect to constituting the printed Journals of their Lordships House legal evidence in a court of justice, and agreed entirely in the proposal to introduce a clause to that effect into the Bill.

Lord *Campbell* highly approved of the Bill. It would simplify the proceedings save expense, and prevent anomalies

House in Committee. Bill *reported* without Amendment. Amendments made.

FREE CHURCH OF SCOTLAND.] The Marquess of *Breadalbane* presented petitions from the General Assembly of the Free Church of Scotland, the Inhabitants of Wick, and of the Free Church congregation at Peebles, complaining of the conduct of certain landowners in Scotland, who peremptorily refuse to grant sites for the erection of churches for the use of congregations of the Free Church of Scotland; also a petition from the Presbytery of Newcastle-upon-Tyne, in connexion with the Presbyterian Church in England, praying that "the law of property may be so far modified as to admit of the purchase of sites for churches and chapels for the use of members of the Free Church." The noble Marquess stated, that great dissatisfaction had been caused by the refusal of landed proprietors to grant sites among the community of the Free Church. That community embraced 800 congregations, with 620 ministers. The amount subscribed for the use of the Free Church since the disruption, was 776,000*l.*, of which 320,000*l.* had been applied in the erection of churches. He hoped that the prayer of the petitioners, which was confined to obtaining the accommodation indispensable for the free exercise of their worship, would be acceded to; and that their Lordships' would pronounce by an authoritative declaration that men who were good citizens and obedient to the laws, although dissenting from the Established Church, should not be precluded from that free exercise of their religion which was guaranteed to the professors of all forms of Christianity by the great principle of toleration inseparable from the British Constitution. If large proprietors were to exercise their rights of property in direct contradiction to that principle, we might say that we had a theory of religious liberty, but that our practice would be totally at variance with it.

The Earl of *Cawdor* denied, that in the conduct which he had observed with regard to the adherents of the Free Church, he had been actuated by the harsh and oppressive motives attributed to him by the Rev. Mr. Begg and others, or that he had wished to exercise an extreme right in order to obstruct the enjoyment of religious liberty. He had, in the first instance, objected to the erection by them of a permanent place of worship, because he had some reason then for believing that the delusion would be but temporary, and that the people would return to the Establishment; but he had given consent for the erection of a temporary building, on the condition that it should be removable at six months' notice, which he thought a perfectly reasonable one. He was only anxious to promote the permanent interest of the country. The question between his tenantry and him, was not one of principle but of time, and he trusted that in the end all differences would be amicably adjusted.

The Duke of *Buccleuch* said, he should not have troubled their Lordships with any observations, had it not been that his name was mentioned in the petition as one of those who objected to and took means to prevent the building of a Free Church; and he also wished to take notice of the extraordinary zeal and diligence with which some people laboured to put forward the seceding party, as if they were the great body of the Church of Scotland. For his own part, he thought, instead of any complaints being made against him, that he, on the contrary, had great right to complain of the treatment that he had received, and of the conduct of many persons connected with the seceding body, in the part of the country with which he was more immediately connected. In those districts, every species of agitation was resorted to, and no pains spared to excite the worst passions of the people. The agitators talked of toleration—it would be well if they only practised a little of that toleration themselves which they so loudly demanded from others. They had described him as a godless tyrant, who would trample down their rights; and this description of him had been given to one of the congregations during that most solemn period of divine service, the administration of the sacrament, and that language was applied to him by the person officiating. Though the worst feeling was thus exhibited against him, he hoped that he had preserved his own mind free from the influence of any angry sentiments. As he had so far occupied their Lordships' attention, he should just add, that having heard it was intended to perform divine service and administer the sacrament in one of the parishes with which he was connected, literally on the roadside, he wrote in order to have arrangements made for preventing this; it

did, however, take place within a field at no considerable distance. But it was not alone the congregation of one parish which met there; it was a vast concourse of people assembled from all the adjacent parishes. What he said at that time was, that he saw no reason why the parties, whose case was now under consideration, could not do as o her Dissenters did—why, for example, th y might not go to the next town. Then he had been accused of dismissing servants of his for joining the Free Church. So far from that being the fact, he had not interfered with overseers of his who had exercised their influence with the labourers in his employment to induce them to join the Free Church. He had not been actuated by any illwill towards the Free Church of Scotland; and he might state that he had in his employment persons who had become members of that Church, and in whom he placed the most entire confidence. A great number of his tenants in different parts of the country had also become members of the Free Church, but with them he had had no difference. He believed that not one quarter of the discontent to which the noble Marquess had referred would have been manifested but for the itinerant agitators who had gone about the country, and who, instead of inculcating charitable feelings, had excited feelings of hostility against the Established Church and the landed proprietors. They had, in effect, used the language of a rev. gentleman who had taken a prominent part in that movement, that "the Establishment was a great moral nuisance, which ought to be swept from the face of the earth."

Lord *Campbell* said, he did not wish to throw any blame upon the noble Duke (Buccleuch), or the noble Earl (Cawdor), but he was anxious to state generally his sentiments upon a subject so interesting to his native country. He considered the noble Earl (Cawdor) was fully justified in doing everything in his power to prevent the disruption of the Church of Scotland; for in his (Lord Campbell's) opinion the disruption of that Church would be a tremendous national calamity. He thought that the Church of Scotland, for which he entertained the highest respect and reverence, had, for many generations conferred the greatest benefits upon that country. But he must say, that any great proprietor in a county or parish, who would endeavour to persecute those who had left the Established Church, by refusingthem the means of erecting places of worship, abused the rights of property, and placed those rights in great jeopardy. Though he did not agree in the principles upon which the recent secession had taken place, it was impossible not to admire and respect the motives by which the seceding members of the Church had been actuated —they had acted in a most noble and disinterested manner, and had sacrificed all prospects of worldly advantage for conscience' sake. It could not be said that the Free Church did not inculcate sound doctrine and pure morality; but he regretted, with the noble Earl opposite the intolerance manifested by some of its members. He thought, that while not a few of them would resist persecution themselves, they would not be slow to persecute others; but he considered that the conduct of great landed proprietors, who, after the disruption had taken place, endeavoured to embarrass and harass the members of the Free Church, by preventing them from purchasing sites in localities where a place of worship was needed, was greatly to be deprecated. He believed there was no proprietor in Ireland, who, however strong his Protestantism might be, and however he might disapprove of the Popish religion, would not allow a site for the erection of a Roman Catholic Chapel. The law, as it now stood, was certainly in favour of those who refused such grants The petition presented by his noble Friend prayed that the law might be altered, and he considered that if these refusals were persisted in, some alteration would be necessary. In the case of the railroads their Lordships had interfered with the rights of private property in a manner which called forth the nightly vituperation of his noble and learned Friend (Lord Brougham), who had left the House. Having done this, he did not see why, if it became indispensably necessary, it would be any violation of the just rights of property, if, under certain restrictions, they should provide, that on reasonable compensation being given to a proprietor, sites should be granted for the erection of places of worship in connexion with the Free Church. This might be done by appeal to the Court of Session, or some other tribunal. He hoped, however, that such a step would not be necessary, and that if a reconciliation between the Established Church and the Free Church

was hopeless, both parties would remember that they were Christians.

The Marquess of *Breadalbane* replied. He thought the charge of intolerance imputed to the Free Church somewhat misapplied. He believed they were ready to act on the principle of giving toleration to all religious persuasions — amongst others, to the Roman Catholic. This was the description given of one of these meetings by the clergyman who officiated:—

"I too, Sir, have been at Canobie; and never shall I forget the scene that was there presented to my sight. I went to Canobie amid snow and storm, and had formed the resolution within myself not to speak to them of the privations and sufferings they were undergoing. I was glad, Sir, that I had formed this resolution, for I could not have trusted myself to speak to them of the wrongs they were called to endure. When I went from Langholm on Sabbath morning to the place where I was to preach, the roads were covered with the melting snow, the wind was biting cold, the Esk was roaring in full flood, and a more bleak and wintry prospect it is impossible to conceive. On turning a point in the road, I suddenly came upon 500 people collected together to hear the Gospel; and so sudden, impressive, and desolate was the whole scene, that when it broke upon our view, the man who drove me to the spot looked in my face, and burst into tears. I never saw such a scene before; God grant that I may never see such a scene again! Had the Duke of Buccleuch been there, he could not have withheld his tears at the sight. The hardest heart must have melted to see so many, young and old, assembled on that open road for the worship of the God of their fathers. A tent was erected for me under the leafless branches of a tree, which, in truth, afforded little protection to me or to them: but, Sir, I found I could not preach in that tent, It may seem to some an unaccountable kind of feeling in me; but you can understand it. I felt as if I could not preach in that tent while those poor people stood shivering round me. I have been much struck to find that, in very similar circumstances, when preaching on a bleak moor, Richard Cameron, in his wanderings, was accommodated with a tent; but he felt that, while the people stood unprotected around him, he could not preach in it. It was with the same feeling that, upon this occasion, I could not preach to those people from the tent. I left it and took up my place upon the ground. Before I was half through with the sermon, lashing torrents of rain came down upon me, and soon I was almost as wet as if I had been dragged through the river that rolled by us in winter floods. On the conclusion of the service—while the rain fell heavy—I said to some gentlemen who were present, that it would be cruelty to ask these people to come back again; but with one voice, they protested against my resolution, and said, with an earnestness which bespoke the earnestness of their hearts, that if I would remain to preach, they would come back, and remain to hear me if it were till midnight."

Were not such things enough to excite the feelings of the people? As toleration was, in theory, a part of the Constitution, it ought to be observed in every part of the country.

Petitions read, and ordered to lie on the Table.

New Zealand.] The Earl of *Chichester* presented a petition from the Church Missionary Society of Africa and the East, respecting the rights of the natives to the full enjoyment of their lands, and praying that the same may be effectually secured to them. It stated, that there were 35,000 attendants at religious worship, 15,000 scholars, and 300 native teachers. The petitioners stated, that from the period of the cession of the land by the native princes, they did everything to promote harmony between the aborigines and the colonists: that they were deeply impressed with the necessity of having the land question speedily and finally settled. That the Queen, by the Treaty of Waitangi, guaranteed full and undisputed possession of their lands to the natives, and that, in the opinion of the petitioners, the Report of the Committee of the House of Commons, affecting the rights of the native princes, was contrary to the principles of justice, and to the express declaration of the Treaty of Waitangi. Their Lordships could understand the alarm felt by the Society, whose petition he had read, as well as the alarm of all those who took an interest in their happiness and welfare. The missionaries of the Society were alarmed at a course of policy being suggested, the pursuance of which would set aside the Treaty of Waitangi, which provided, that natives should not have lands taken away from them by virtue of the sovereignty over the island, ceded by them to the British Crown. Nothing, he thought, could be more clear, than the actual meaning of the Treaty; and he believed that the New Zealanders were sufficiently enlightened and educated, perfectly to understand the interpretation which common sense would put upon it. To act in any way in contravention to the Treaty,

would be to pursue a course at once fraught with disaster to the natives and to the settlers in New Zealand. He wished to take the opportunity of making a statement to the House upon the part of the Church Missionary Society, because, among other charges made by the friends of the Company, was one which accused the missionaries in New Zealand of having acted in an improper manner; of having, in fact, impeded the progress of the Colony, and of having obtained—not by the most reputable means—a very large quantity of land. Now, the land in question was held under certain regulations made by the Missionary Society, which allowed a certain sum of money to the missionaries for every child above fifteen years of age; that money had been invested in the purchase of land, obtained, not for the private advantages of the missionaries, but for the public good. The regulations had been strictly acted upon in these purchases, and he possessed authentic information of the exact quantity of land so obtained. The Society had also purchased a certain portion of the land for the purposes of the mission, but the whole of this property had been placed at the disposal of the Crown. No missionary held more land than he was strictly entitled to hold under the regulations of the Society, and there was no instance of a missionary's claim having been disallowed by the Government Commissioner. In the cases in which a reduction had been made in the quantity of land possessed by missionaries, the reduction had been effected with the perfect consent of the holders. He would remind the House of the favourable testimony borne to the conduct of the missionaries of the Church Society, by all who had had an opportunity of witnessing it. New Zealand had been visited by many travellers—some of them in an official capacity; it had been recently visited by two bishops, and the conduct of the missionaries had also been watched by witnesses not likely to be partial to them—he meant the emissaries of a neighbouring, not a rival institution—the Wesleyan mission—the missionaries of the Church Society had been watched, and their conduct had been commented upon by all those witnesses to it, and he had never heard it asserted that they had been led away from their ministerial duties by any occupation connected with the possession of land. On the contrary, every report which he had seen on the state of New Zealand was most creditable to the missionaries, and proved them to be most worthy and disinterested men. One of the great objects he had in making these remarks was, if possible, to draw from Government some assurance that the alarm felt by the petitioners, from the cause to which he had alluded, was unfounded. He believed that the maintenance of that interpretation hitherto put upon the Treaty of Waitangi was of the greatest importance to our own reputation for good faith, and to the cause of the civilization and progress of New Zealand. So long as the missionaries had been unmolested by voluntary settlers, nothing could have been more satisfactory than the way in which the natives had conducted themselves, and nothing more rapid than the progress they had made in Christian knowledge. He hoped that the Government would feel the great importance of promoting that object, and would recollect that it could only be attained by maintaining the strictest good faith towards the natives themselves—by showing that we were alive to their bet interests, and that we had taken New Zealand under our protection, as much with a view to their benefit as our own.

Lord *Stanley*: Your Lordships will feel that it would be very inconvenient were I at all to enter at this time upon the general question connected with New Zealand. I have no intention of troubling you with a single word upon that subject; but the noble Earl has indicated a desire to hear the views of Her Majesty's Government as to that Treaty by which the sovereignty of New Zealand was ceded to the British Crown. I have no hesitation in giving the noble Earl the assurance which he seems to desire. At the same time, however, I should have thought—whatever may have been the suspicions—whatever may have been the blame cast upon the Government in the matter—that the course which they have pursued would have prevented its being imagined for a moment that they entertained an idea of avoiding, or in any way violating a Treaty by which they consider themselves to be bound. Almost the whole of the difficulty with which the Government has had to contend in New Zealand, has arisen out of the apparently conflicting engagements entered into towards the New Zealand Company on the one hand, and, under

the Treaty of Waitangi, towards the natives on the other. Had we felt ourselves at liberty to depart from the strictest fulfilment of the terms of that Treaty, we should have met but little difficulty; and in proof of the fact, our embarrassments have arisen mainly from our feeling that, however desirable and important it is to promote the colonization of New Zealand, yet that object would be very dearly purchased were it to be obtained by the slightest reflection on the good faith of this country, or by any liability to the imputation that we wished to shrink from an engagement we entered into with the natives—an engagement which I think the natives perfectly understand, the full importance of which I think they are as deeply impressed with as we can be—and an engagement which we have always felt that the Government of this country were bound to adhere to in its fullest integrity. I assure your Lordships that we have strictly, in every instruction we have issued (and the Papers upon the Table prove the fact), insisted on the strict fulfilment of the spirit and the letter of the Treaty of Waitangi. Our instructions upon that point have been uniform. They were given to Captain Fitzroy, and whatever instructions may have been since despatched to his successor, they have in this respect remained unaltered. We have told him—our declarations to the effect have been reiterated—that while he should seek in every possible mode to promote the amicable settlement of the affairs of the New Zealand Company, that he should always consider it to be the paramount duty devolved upon him, specially, and scrupulously, and religiously to fulfil our solemn engagements with the natives of New Zealand.

Lord *Monteagle* thought that it would be very satisfactory were the noble Lord to state more definitely what was the precise construction put by the Government upon the Treaty in question. He would wish to know whether he carried the principle so far as to assume that there was to remain to a semi-barbarous population such a right over the whole of the immense territory of New Zealand as would preclude the possibility of our exercising a right of government, except by the permission of the natives themselves. With respect to the general subject, he was far from adopting all the views of the New Zealand Committee. He knew the difficulties which the Colonial Office had to contend with in the cases of Colonies founded by unauthorized settlers. Most of the difficulties of New Zealand had arisen from that cause, and from the character of many of the original settlers in New Zealand, comprehending, as they did, some of the worst portion of the population of Australia and of this country. He repeated that he did not by any means fully adopt the Report of the New Zealand Committee; but still the opinion of that body was entitled to very considerable weight, when it was recollected that it had been appointed with the approval and concurrence of the Colonial Office. He did not want to go beyond the fact that the Report of the Committee had been generally adverse to the system pursued by the Colonial Office in the administration of New Zealand; and the members of the Committee so far had been amply supported by events which had occurred in the Colony itself. But he entirely protested against the doctrine that the finding fault, even by inference, with the management of New Zealand, was to suggest that there had been any bad faith or double dealing on the part of the Colonial Office. Any such charge was as much unsupported by proof as it was contradicted by the character of the noble Lord at the head of that branch of the public service. Still, however, a more melancholy instance of mismanagement than that displayed in the local government of New Zealand, never was exhibited in the colonial administration of any country; and he was convinced that until there should be a clear and distinct exposition, upon the part of Government, of the exact construction which it would be prepared to put upon the Treaty of Waitangi, that the state of confusion which now existed in New Zealand would continue. He wished to guard himself from being supposed to acquiesce in all the statements of the petitioners; but he did believe that had the missionaries been left unmolested by the vicious population which had settled around them, the results of their labours would have been such as had been anticipated by his noble Friend who had presented their petition. But from the evil influence exerted upon New Zealand by its first settlers, a train of calamities arose. Insults had been offered to the British name, crimes had been committed, wars waged to an extent unequalled in the

history of our colonial administration. He repeated that the Colonial Office was not to be blamed for this. He had been for a short time in that Office himself; and he could not forget not only the difficulties but the perfect impossibility which, as it seemed to him, existed in many of the duties of that Office, as at present constituted, being satisfactorily performed. In 1834 a change had taken place in the Colonial Office, which it would have been well to have adhered to. Our Colonies had increased in numbers and in importance, to such an extent, that his noble Friend, with all his energy and ability—or, indeed, that two equal to his noble Friend, would be incapable of carrying on the manifold duties of the Colonial Secretary in such a manner as to be generally satisfactory and generally successful, and as it had been comparatively easy to manage them fifty years ago. He expressed his regret that the improvements introduced into the constitution of the Colonial Office, in 1834, had not been adhered to.

The Earl of *Chichester* never considered that the Government could be fairly charged with any breach of faith in their administration of the affairs of New Zealand. The Church Missionary Society, however, had reasonable grounds for the fears expressed in their petition. He was satisfied with the distinct intimation of his noble Friend at the head of the Colonial Department, and he was sure that that intimation would be equally satisfactory to the petitioners.

Lord *Stanley*: I beg to say one word. I should have wished that my noble Friend had either abstained from touching on the topics to which he has alluded, or that he had brought forward the subject in a more distinct form, and at a period of the evening, and in a state of the House, when I could have entered into a full explanation of the different points alluded to. Under present circumstances, then, I will abstain from doing anything but answering the demand made upon me by my noble Friend as to the construction which Government is prepared to place upon the Treaty of Waitangi, The whole question of that Treaty I will not argue now. If my noble Friend will give me an opportunity of arguing it, I will undertake to prove to demonstration, that not only by the present, but by all former Governments—that not only by the noble Lord who preceded me, but by the noble Marquess who preceded him—that not only by the present but by former Parliaments, has the same construction been placed upon the Treaty of Waitangi—that construction which never was disputed by any authority, by any party, until the year 1842. I am prepared also to show, and whenever I am called on I shall show, in this House, that whatever may be the apparent discrepency between the conditions of arrangement entered into by Lord John Russell with the New Zealand Company, and those concluded under the Treaty of Waitangi, that discrepancy is not real, but apparent, and that it arose from Lord John Russell acting on the misrepresentation of facts made to him by the New Zealand Company. He conceded to that Company, on the part of the Crown, a certain number of acres, providing that that number of acres should be taken within a certain district—the foundation of the whole arrangement being the assertion and declaration of the New Zealand Company, that they had purchased the whole of that district, comprising a space of about twenty millions of acres, from the natives themselves. In that way, and in that way alone, can the arrangements of the noble Lord be consistent. In that way they are consistent, and in that way the declaration and agreement made by Lord John Russell, confirming, instead of contradicting, the Treaty of Waitangi —namely, that on the part of the Crown, he confirmed the claim of the Company to a certain tract of land, on the assumption that they had bought it from the natives. In that way I contend the arrangements of the noble Lord are perfectly consistent. His assumption, proved by his agreement, leads to the inference, that, in his opinion, the natives had a right to sell to the Company that tract of land which they did not inhabit; and I can show by repeated Acts of Parliament that that right to sell on the part of the natives, not the land which they occupied and enjoyed, but the waste land which they did not occupy or enjoy, was uniformly recognised during the period from 1836 to 1842. I am not prepared to say that there may not be some districts wholly waste and uncultivated—there are such in the northern island—but they are few in number; but I know that a large portion of the district in question is distributed among various tribes, all of whom have as perfect a knowledge of the boun-

daries and limits of their possessions—boundaries and limits in some places natural, in others artificial—as satisfactory and well defined, as were, one hundred years ago, the bounds and marshes of districts occupied by great proprietors and their clans in the Highlands of Scotland. With respect to the greater portions of New Zealand, I assert that the limits and rights of tribes are known and decided upon by native law. I am not prepared to say what number of acres in New Zealand are so possessed; but that portion which is not so claimed and possesed by any tribe, is, by the act of sovereignty, vested in the Crown. But that is a question on which native law and custom have to be consulted. That law and that custom are well understood among the natives of the islands. By them we have agreed to be bound, and by them we must abide. These laws — these customs — and the right arising from them on the part of the Crown—we have guaranteed when we accepted the sovereignty of the islands; and be the amount at stake smaller or larger; so far as native title is proved—be the land waste or occupied—barren or enjoyed, those rights and titles the Crown of England is bound in honour to maintain; and the interpretation of the Treaty of Waitangi, with regard to these rights, is, that, except in the case of the intelligent consent of the natives, the Crown has no right to take possession of land, and having no right to take possession of land itself, it has no right—and so long as I am a Minister of the Crown, I shall not advise it to exercise the power—of making over to another party that which it does not itself possess.

Petition read and ordered to lie on the Table.

FOREIGN LOTTERIES BILL.] Lord *Stanley* moved that this Bill be now read 2ª.

Lord *Monteagle* said, that nothing had been farther from the intention of the Government of which he had been a Member, than to encourage lotteries for the advantage of speculators at home or abroad; in fact, a Bill had been framed with the contrary effect; but he did not approve of that part of the Bill which deprived the informer of all inducement to follow up a prosecution where the law had been violated; he feared that, if the pecuniary motive were withdrawn, very few prosecutions would be instituted especially by informers.

The *Lord Chancellor* remarked, that the object of Government had of late been to get rid, as far as possible, of prosecutions by common informers for penalties, since nothing could be worse than a system under which they were encouraged. Prosecutions by the law officers of the Crown had, in many instances, been substituted, and an alteration might, he thought, be introduced into this Bill in Committee without endangering it.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 10, 1845.

MINUTES.] NEW MEMBER SWORN. Sir Frederic Thesiger, *for* Abingdon.

BILLS. *Public.*—1°. Real Property; Assignment of Terms; Granting of Leases; Taxing Master, Court of Chancery (Ireland); Turnpike Roads (Ireland).

2°. Drainage (Ireland); Joint Stock Companies; Geological Survey; Land Revenue Act Amendment; Criminal Jurisdiction of Assistant Barristers (Ireland); Art Unions (No. 2); Masters and Workmen.

Reported.—Bankruptcy Declaration.

3°. and passed:—Colleges (Ireland).

Private.—2°. Shrewsbury and Holyhead Road.

Reported.—Dublin Pipe Water (No. 2); South Devon Railway; Launceston and South Devon Railway; Goole and Doncaster Railway.

3°. and passed:—Lady Sandy's (or Turner's) Estate; Glasgow, Barrhead, and Neilston Direct Railway.

PETITIONS PRESENTED. By Mr. Hutt, from Gateshead, for Alteration of Law relating to Church Property.—By Mr. Bannerman, from Aberdeen, in favour of the Universities (Scotland) Bill.—By Mr. E. Denison and other hon. Members, from Stockholders and other Inhabitants of New South Wales, for Repeal of certain Acts relating to that Colony.—By Mr. Fuller, from County of Sussex, for Relief from Taxation of Agriculture.—By Mr. Serjeant Murphy, and Mr. J. O'Connell, from a great number of places in Ireland, against the Colleges (Ireland) Bill.—By Sir Howard Douglas, from the Mayor, Aldermen, and Burgesses of Liverpool, against the Deodands Abolition (No. 2) Bill.—By Mr. B. Chapman and other hon. Members, from the Connty of York, in favour of the Ten Hours' Bill in Factories.—By Mr. L. Bruges, from Thomas Phillips and Robert Willett, for Alteration of Lunatic Asylums and Pauper Lunatics Bill.—By Mr. Sheil, from Guardians of the Clogheen Union, against the Parochial Settlement Bill.—By Mr. Sheil, from several places, for Alteration of Physic and Surgery Bill.—By Mr. Hawes, from a great number of places, in favour of the Physic and Surgery Bill.—By Viscount Sandon, from Members of the Royal College of Surgeons residing in Liverpool, for Inquiry into the Government, &c. of the Royal College of Surgeons.—From St. John Mason, Barrister at Law, for Alteration of Law relating to Tenure of Land (Ireland).

COMMONS' ENCLOSURE BILL.] The House met at twelve o'clock, and proceeded in Committee with the remaining clauses, which, with Amendments, were agreed to, and the Report was ordered to be received.

COLLEGES (IRELAND). Sir *James Graham*, at the five o'clock sitting, moved the Third Reading of the Colleges (Ireland) Bill.

Mr. *Bernal Osborne* rose to bring forward the Amendment of which he had given notice, for an Address to Her Majesty, praying that she would be graciously pleased to direct an inquiry to be made into the amount of the revenues of Trinity College, Dublin. He said that he was fully sensible, at this advanced period of the Session, when the fatigues of July legislation overcame the energies of the House, that it was impossible for any Member to succeed in rousing the dormant attention, or in exciting the wasted energies of the Members of the House in favour of some particular subject. He felt, therefore, the difficulty of awakening the attention of hon. Members on the subject of his Motion, to the extent which the importance of the question so pre-eminently deserved; but, at the same time, it was his intention to condense what he felt it necessary to say in the smallest possible compass. He did not believe that he could be fairly charged with throwing any unnecessary impediment in the way of this measure, because, in accordance with the request of the right hon. Baronet, he had withdrawn his Motion on a former occasion, at a time when he had the chance of a much larger number of hon. Members present, and consequently a much greater probability of support than at present. The more he considered the subject, the more did he feel the force of the allegation that the measure was one which must be wholly inefficient for the purpose for which it was proposed, unless some great change were effected in the constitution of Trinity College, Dublin. He entertained no hostility to that institution. On the contrary, he had many friends among its members. But he could not conceal from himself the fact that the whole system pursued in that College was so totally unknown, that while the darkness respecting it was maintained, a stop must be put to all legislation in that House in any way connected with it. He would ask hon. Members, when they considered the vast and great resources of Ireland, and also when they recollected that the Roman Catholic gentry of that country annually send 10,000*l.* to the Society at Lyons for the Propagation of the Faith, whether the people of that country should be induced to look to the Consolidated Fund when any new institution was to be raised. During the present Session they had drawn considerable sums from that fund for the endowment of a Roman Catholic College, contrary to the feeling of the great majority of the tax-payers of this country. They were also called upon by that measure to take from the same source another amount for the Colleges, and which was to be done against the wishes of the Catholic bishops; and it was impossible to say what dips might be made into it in the course of next Session. The Land Commissioners also looked very temptingly at this fund; for they suggested or recommended that a grant for the Irish Constabulary should be taken from this source. He did not mean to enter upon this question at present; but he had no doubt that the Irish Members of that House would be constantly looking to this fund, as the pool of Bethesda was by cripples, that they might have a dip when the right hon. Baronet troubled the waters. Although he agreed with his hon. Friend the Member for Limerick in many things, he could not agree with him that it was not with good intentions that the Government brought forward this measure; but he believed that the wiser and more satisfactory course would have been, if they had in the first place made inquiry into the revenues of Trinity College, Dublin, with a view to the establishment of these institutions in connexion with that University. At this moment the whole of the higher education in Ireland was monopolized by eighteen or twenty Fellows of Trinity College, Dublin, who took to themselves all the endowments of that rich University. He found, from a return which had been laid before Parliament, that only one in 320,000 Roman Catholics went to that College; those who did attend were received there as long as the heads of the University could get any money for their education, but afterwards excluded them from all the endowments. On a late occasion the right hon. Member for the University of Dublin, when he was not present, resisted all inquiry into the subject, on the ground that the revenues of the College were private. Did the right hon. Gentleman represent the Colleges in that House in a private or corporate capacity? The Legislature had interfered with and remodelled the rights of all the municipal corporations in Ireland; and did the right hon. Gentleman mean to say that

Parliament could not interfere with Trinity College as a corporation? As to the distinction between private and corporate rights, he would refer to the authority of a most eminent jurist on the point. He alluded to Sir James Macintosh. That eminent man said—

"Private property was one of those fundamental acts which constituted society. It was the band of society itself. But the acts which form and endow corporations are subsequent, and subordinate; the property of individuals is established as a general principle which seems coeval with society itself; but bodies, whether ecclesiastical or civil, are instruments fabricated by the Legislature for a specific purpose, which ought to be preserved whilst they are beneficial, amended when they are impaired, and rejected when they become useless and injurious."

He regarded this to be a clear distinction between public and private property; and notwithstanding the strenuous opposition which he might expect from the right hon. Member for the University of Dublin, and some other persons connected with Trinity College, he felt that he should have the support of the hon. Member for the University of Oxford; for that hon. Gentleman had said that he would vote for inquiry if any allegation of abuse were brought forward. Now, if he brought forward allegations of abuse, and if he proved satisfactorily that the charter had been violated, and that the endowments had been diverted from the purposes for which they were intended, and that the academical system had been changed, he should rely upon the support of the hon. Baronet. He probably should be met with the cuckoo cry, that this was a Protestant institution, established by a Protestant Queen for Protestant purposes. He would not be stopped by such an objection. He believed that, on inquiry, the religious opinions of Queen Elizabeth would not be considered to have been orthodox by the hon. Baronet the Member for Oxford. But let them see how much Protestant money was devoted to the endowment of this College. It was founded in 1592 by Queen Elizabeth, and it was endowed out of the confiscated estate of the Earl of Desmond, and it was built on the site of the Catholic monastery of Allhallows. The letter of the Lord Deputy, would show for what purpose this University was founded; he would, therefore, read an extract from it (A.D. 1591):—

"Whereby knowledge, learning, and civility may be increased among the Irish, and their children's children, especially those that be poor (as it were in an orphans' hospital, freely), may have their learning and education given them with more ease and lesser charges than in other Universities they can attain it."

So far, then, from its being endowed with Protestant money for an exclusive purpose, it was endowed with public money for public purposes. He defied the hon. Member to point out a single word in the charter which justified the assertion that it was for exclusive Protestant purposes. It was reserved to forty years later, when Strafford, for his own and his master's purposes, chose to introduce some arrangements with respect to Roman Catholic Fellows. He would go to the foundation of this institution; and when he was told that it was a College endowed with Protestant money for Protestant purposes, he would recommend those who alleged this to go to the *fons et origo* of this establishment. He understood that the right hon. Member for the University of Dublin alluded to the Oath of Supremacy the other evening, and intimated that the existence of that would prevent Catholics taking part in the University. If this was the case, why allow them to take degrees? The Member for Oxford, who was well acquainted with the history of his own and all other countries, must be aware that the system with respect to the Fellows in Trinity College was peculiar, and a departure from the general academical system. In fact the whole system of the University of Dublin was an anomaly, because the Fellows consisted of married persons. The rule and custom of the University had been changed in this respect within the last five years. It was enough to make Queen Elizabeth shudder in her grave to hear of a body of married priests holding the fellowships in the College established by her. Supposing, then, that the University had the power of abrogating the Statute in one instance, as they had done in this case, was it to be said that they had not the power in another? He was sure that Queen Elizabeth would have been more readily reconciled to the abandonment of a religious test with respect to a chemical professor, than to a body of married Fellows in the College. He thought that the hon. Member for Oxford could hardly resist his Motion, for the body of married Fellows

was contrary to the whole system of academical institutions; and they might say of it that it was a gigantic scheme of collegiate connubiality. Though they had a body of married priests, Fellows of the College, residing within the walls of the University, he was told that a very small number of the Fellows attended in hall, and still fewer were present in chapel, which certainly was not a good example to set to the students. The object of the ecclesiastical patronage of the College was altogether nullified since the Fellows had been allowed to marry; for since that time only two had resigned their fellowships to take a living. The junior Fellow refused to resign and go out to a country living, where he would get an income of about 300*l.* a year, while he was secure of a good income, a residence in a very pleasant place, and his *domus et placens uxor* in Dublin. The truth was, that no Fellow who could get a wife would take a living. [*Laughter.*] This might appear to be a farce, but it was an undoubted fact, and he knew that a Fellow of Trinity College, Dublin, was considered a most eligible investment in the coteries there. He believed that the hon. Gentleman would agree with him so far. There was another allegation of abuse which he could establish. Every Fellow on his induction into his Fellowship took an oath in which was the following passage:—"*Studiorum finis erit mihi theologiæ professio, ut ecclesiæ Dei prodesse possim.*" Now, so far from the Fellows of Trinity College devoting themselves to the study of divinity, several of them were eminent mathematicians, but the divines were few and far between. The great proportion, in fact, of the Fellows were men of science and mathematicians, and among them he could mention the names of Hamilton, Lloyd, and Robinson. Trinity College was composed of one Provost, seven senior Fellows, and twenty-five junior Fellows. There were twenty-five Professors. It was a difficult thing to ascertain the amount of their incomes, as there was no Income Tax in Ireland; but having taken some pains to inquire into the subject, he had no hesitation in saying that the gross revenues of Trinity College were 50,000*l.* a year. He would not weary the House by going into details on the subject, but he would give a sketch of the receipts from various sources. He took some of his estimates from the University Calendar of 1844, and others from members of the University. It appeared that the total of the income derived from teaching was 28,316*l.* a year. The rent from land held under the College, although it was difficult to get at it accurately, was very great. Some of the land must be very valuable, such as Brunswick-street and other streets in the neighbourhood; and, therefore, the estimate of the rental might be fairly taken at 21,684*l.* a year, thus making a total of 50,000*l.* a year. Of course if he knew exactly the amount of revenue of the College, all necessity for his Motion would be obviated. Such, he believed, was really the amount of the income, while the money expended in prizes, scholarships, &c., was only 4,404*l.* 14*s.* It was also stated, that with this deduction, and after the common expenses of the College were paid, the Fellows divided the remainder among them. ["No!"] Surely, if hon. Gentlemen would not agree to the Motion, they would favour him by stating how it was paid. At any rate, the duties of the Fellows were at an inverse ratio to their emoluments; for their duties were extremely small, while their incomes were very large. The seven senior Fellows were supposed to receive from 2,000*l.* to 3,000*l.* a year each. [Mr. *Shaw:* No.] Then, what did they receive? Why not lay a return on the Table of the House of their emoluments, or consent to inquiry? The junior Fellows received 1,500*l.* a year each, and besides this, the Fellows laid violent hands on many of the professorships. One of the senior Fellows, whose name it was unnecessary to mention, but who was a most excellent man, was regius professor of Greek, and he combined very oddly with this the offices of catechist and professor of oratory. There was another, who was also a catechist and professor of modern history and civil law. Thus, in addition to an income of 2,000*l.* a year from their fellowships, they received large fixed salaries attached to the professorships. He would appeal to any rational man whether they should not look for a different standard of eligibility for a professorship than the holding a University fellowship. Was it not obvious that a much better system was pursued in the Universities of Scotland and Germany, where the test of excellence and the amount of emolument depended upon the number of students attending the lectures of the professor? If the professors in Trinity College were paid ac-

cording to the number of their pupils, and by them, their professorships would be worth between 30*l.* and 40*l.* a year each. This appeared farcical and ridiculous, yet they were told by the hon. Gentleman that they could not interfere, because it was private property? Look to the University of Dublin as the seat of education of the Protestant youths. As was truly said the other night by the right hon. Baronet at the head of the Government, a forced attendance at chapel was not very likely to generate a feeling of devotion and reverence. But those intended for holy orders were forced to attend at chapel, and the only other religious instruction they received was an examination in the Greek Testament. When they were preparing for ordination they went to a person called a "crammer," and they then took up "Mosheim's Ecclesiastical History," "Magee on the Atonement," and "Marsh's Lectures." They then went forth to country districts as clergymen, and from the nature of the education they received, entertained the most bitter feelings against the Catholic religion, regarding it, as it had been described in another place, as the master-piece of Satan. Here was a Protestant clergyman receiving his education in a place where all the emoluments were bestowed on Protestants, and where the Catholics were sedulouly excluded from every place of trust and emolument, which naturally engendered a feeling as to the inferiority of the latter. He repudiated all distinctions between institutions founded by the endowments of Catholics or Protestants. If there was an endowment of a Catholic institution from Protestant money, you would complain—how then could you take the endowment for the Protestant Church from the Catholics? But in this case did they intend to keep up Protestant exclusiveness in this College? He had always understood that the institutions were made for the people, and not the people for the institutions. On this point he would refer to a speech made a short time ago by the right hon. Secretary for the Home Department. That right hon. Gentleman declared that he could see no relation between science and sects, and then proceeded to say—

"In the case of metaphysics and moral philosophy, I can see no possible reason or necessity for requiring professors of any particular creed in order to render them competent teachers in those branches of instruction; and as for the other three branches, logic, geology, anatomy, they are entirely out of the question. If this held good with respect to the new Colleges, was he not prepared to do away with the system entirely?"

The continuance of the system in Trinity College, was, in fact, stating that the Protestants were the only fitting persons to teach chemistry, botany, anatomy, logic, oratory, and all other branches of art, and science, and literature. A short time ago, he found the following advertisement in a newspaper, reporting a vacant professorship in Trinity College:—

"Trinity College, Dublin—Pursuant to the provisions of the Act of 40 Geo. III., notice is hereby given, that the professorship of chemistry in Trinity College, Dublin, will become vacant on the 16th of May next, and that on Saturday, the 27th of May, the Provost and senior Fellows, at the board-room of Trinity College, will proceed to elect a professor of chemistry. The emoluments of this professorship consist of a sum of 200*l.* paid annually by the College, and of four guineas' fee paid by each person attending the professor's lectures. Under the provisions of said Act of Parliament, said professorship is open to Protestants of all nations, provided they shall have taken medical degrees, or shall have obtained a license to practise from the College of Physicians, in consequence of a testimonium under the seal of Trinity College."

The professorship was open to the Protestants of all nations, but it was shut to the Catholics of Ireland. It must be in the recollection of the House that the right hon. Baronet at the head of the Government, on a recent occasion, passed a high but a just eulogium on the attainments of Professor Kane, who, he stated, was the first professor of chemistry in Ireland. Now, it so happened, that Professor Kane was ineligible to this professorship, which was open to Protestants of all nations. A Frenchman, or a German, or a Spaniard might be eligible, but these professorships were shut to the people of Ireland. If the penal laws were wrong, do not allow such restrictions as these to exist, but carry out the principle of the Act of 1793. It was the bounden duty of the House rather to extend inquiry into the College, after the case which he had stated. The right hon. Baronet, who apparently had more love for a precedent than a principle, could be furnished with a striking one on this point. A Commission had been appointed to inquire into the Scotch Universities—why not have one, then, to inquire into the Irish University? The right hon. Gentle-

man said, that there were peculiarities in legislating for Ireland; but surely, that was no ground for resisting inquiry. If it could not be properly done by that House, why not submit it to Royal hands, and to a Sovereign who rivalled Elizabeth in all the high attainments of legislation, and was superior to her in all the softer attributes which adorned the woman, and under whose sway more had been done for Ireland than under all the Sovereigns before her? The hon. Member concluded by proposing the following Amendment:—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct an inquiry to be made into the amount of the Revenues of Trinity College, Dublin, from rents of College lands, endowments and bequests, fees on matriculation, on taking degrees, and from every other source; also, into the manner in which that income is expended, the number of Senior and Junior Fellows, of Professors, Scholars, and all other Officers of the College, with the amount of salary and allowances to each of them; with a view to ascertain whether the income or funds at present applied solely to the benefit of Protestants in Trinity College, Dublin, might not be beneficially extended, so as to make Roman Catholics and Protestant Dissenters eligible, if otherwise qualified, to all Scholarships, and to all such Fellowships, Professorships, and other Offices in Trinity College, Dublin, as are not intended for ecclesiastical purposes, or immediately connected with ecclesiastical endowment."

Mr. *Bellew* seconded the Motion. He said, a Catholic could not go through his studies at Oxford; he could go through his studies at Cambridge, but could not take a degree; at Dublin he could both study and take a degree. He could also vote for the Member of Parliament for the University. This was not included in the charter of Elizabeth. The hon. Member proceeded to draw a distinction between the systems pursued in the Universities of England, and that pursued in the University of Dublin. He maintained that so long as that system was to be continued, so long would exist that Protestant ascendancy which the Government appeared to think had gone by. He thought that there ought to be a second College united to Trinity College, forming together the University of Dublin.

Sir *T. Fremantle* said, that when, on a former occasion, the hon. Member for Wycombe had brought forward a similar Motion to the present, he had considered it his duty to resist it; and he might at once say that he came, in the present instance, to the same conclusion at which he had then arrived. Since the former discussion, however, he had had the subject more under his consideration, and he had also considered what grounds there were for the House of Commons addressing the Crown upon the question; and, having listened with attention to the speech of the hon. Member, he had been unable to discover that the hon. Member had alleged any Parliamentary grounds whatever for the adoption of the course recommended. It appeared to him that the hon. Member had not been able to allege any specific abuse or misappropriation of the moneys of this University. But what were, in detail, the abuses of which the hon. Gentleman complained? In the first place, he said that a certain number of the Fellows had been allowed to marry. It was not for him to give an opinion if that indulgence which had been given to Trinity College had been rightly conceded, or not; but he might be permitted to remind the hon. Gentleman, that that concession was an arrangement which had been made but a very few years ago, and during the period when Lord Fortescue was the Lord Lieutenant of Ireland—the previous Government having constantly refused to grant it—and he thought it was, therefore, rather hard on the part of the hon. Member to charge that as an abuse against the University, which had been done with the consent of the Government under which it took place, and against which he had never heard any complaint or remonstrance on the part of the people of Ireland. But the senior Fellows, said the hon. Member—and this was the head and front of their offence—enjoyed very large emoluments, amounting to between 2,000*l.* and 3,000*l.* a year. The hon. Member, indeed, did not say that he had any very accurate data to go upon in making this charge; but he (Sir T. Fremantle) thought that he ought, before he made such statements, to have had some better grounds for them than he appeared to have had. Now, if he mistook not, the right hon. and learned Gentleman (Mr. Shaw) who represented the University of Dublin, had made a statement not very long ago upon this subject, and had observed that, after making every inquiry into the case, he was prepared to state that the incomes of the senior Fellows did not exceed 1,500*l.*—and that a considerable portion of that sum was derived from professorships held by them, and to

which offices the discharge of important duties was attached. He would put it to the House whether 1,500*l.* a year was too large a sum for them to enjoy, when the laborious duties they had to perform were taken into consideration. But it was alleged that they also held professorships. Why, a better arrangement could not be made than that the Fellows should superintend the education of the University. They remained in the College, as it seemed to him, for that especial purpose. And this ought not to be made a ground of complaint against Trinity College, for the same took place in other Universities. With regard to the patronage of livings which they held, he was not sufficiently acquainted with the details to speak upon this point; but he did not think the hon. Gentleman made out a very good case on the subject. The hon. Gentleman stated that the proceeds of the College amounted to 50,000*l.*; but it appeared that the rents derived from the property of the College, amounted to only 21,000*l.*, the remainder of the 50,000*l.* being derived from tuitions; but it was not fair to make the money obtained from the teaching of young men a ground of complaint against the College. The hon. Gentleman, and also the hon. Member for Louth said, that as long as Trinity College was maintained, they maintained Protestant ascendancy. But this had nothing to do with the administration of the funds of the College. Besides, hon. Gentlemen knew that Trinity College was as much open to Roman Catholics as it was to Protestants, for the purposes of education; and he was rejoiced to see that so many Roman Catholic Gentlemen looked back with satisfaction to the education which they received there. It might as well be said, that as long as they gave 26,000*l.* a year to Maynooth, from which Protestants were altogether excluded, that Roman Catholic ascendancy was maintained. He admitted that Parliament was competent to interfere, if any abuses or misappropriation of the public money, on the part of Trinity College, could be shown. But the hon. Gentleman had not made this a ground for his Motion. In 1818 and 1819, a Commission was appointed for the purpose of inquiring into all the schools of the United Kingdom; but the Universities were excluded from that inquiry. If they were now to allow this inquiry, it would be considered hard and offensive by Trinity College. It was true, as the hon. Gentleman stated, that a Commission was issued to inquire into the state of the Scotch Universities; but the circumstances were different, for there was at that time a grant of money from the public funds for those Universities, and, therefore, they were justly open to the cognizance of Parliament. There were, besides, irregularities and disputes in those Universities; and it was with the consent of the Universities themselves that the Government interfered. There was, therefore, no analogy between the two cases. The hon. Gentleman's Motion concluded by stating that it was made with the view of ascertaining whether the income and funds now solely applied for the benefit of Protestants might not also be applied for the benefit of Roman Catholics and Dissenters. But this was not a question which depended on the amount of revenue possessed by Trinity College. It was a question of law. The Court of Queen's Bench had already decided that the visitors could enter into the question, and give an opinion upon it. If the decision was against the gentleman who brought the case before the Court, it would be a subject for the interference of the Legislature. It could not be affected by the Motion of the hon. Gentleman. He did not think the hon. Gentleman had laid any grounds for his Motion, and he should, therefore oppose it.

Mr. *Redington* hoped that an Act would be passed on the subject, if the decision was against the person who brought the matter before the Courts in Dublin. With regard to the inquiring into the Scotch Universities, it was not confined to the money given by the State; and with respect to abuses, he was not quite clear that none existed in Trinity College. It was not fair to say that Trinity College was open to Roman Catholics, when they were excluded from all the prizes and rewards of industry and learning. The Roman Catholics of Ireland would not be satisfied till they were put on an equality with their Protestant fellow countrymen; and he thought this might be done with regard to the University of Dublin, by leaving all the professorships for the purposes of the Protestant religion in the hands of Protestants, and throwing open all other professorships to persons of all denominations. Roman Catholics could not hold any professorships at present, because they were obliged to take an oath to conform to the liturgy of the Church of Ireland.

Mr. *George A. Hamilton* had certainly anticipated that the Motion of the hon.

Member for High Wycombe would be resisted strenuously by Her Majesty's Government; and it was to him a cause of much satisfaction that he had not been mistaken in that anticipation. He had grounded his expectations upon the strong expressions which had been used by the right hon. Gentleman the Chancellor of the Exchequer, in a speech which he had made not very long ago, when resisting a similar Motion in reference to the English Universities. The right hon. Gentleman on that occasion had stated that a Royal Commission of inquiry in such matters was generally adopted as an instrument of reform, where great abuses were known to exist, and not as a weapon which could be called into every day use, for the mere purpose of gratifying curiosity. The very fact of instituting a trial implied censure, and though the charge was disproved, the impression remained. Such being the language of the right hon. Gentleman with regard to Oxford and Cambridge, he should certainly have felt surprised if different language or a different course had been taken with reference to the University of Dublin. He would take it upon himself to state, that there was no indisposition on the part of the Provost and Fellows of Dublin College, to afford to Her Majesty's Government any information which they might think proper to seek for any useful purpose that was consistent with the objects for which the University of Dublin was established, and which might equally be sought for in reference to the Universities of Oxford and Cambridge. But he had a right to consider the Motion before the House as a hostile Motion, originating with a hostile party, and with a design certainly not friendly to the University of Dublin. With regard to the object of the hon. Member, it was not concealed in his Motion that his real object was to confiscate a part of the property of the University, and to apply it to purposes different from those for which it was designed. And with regard to the hostile feelings of the hon. Member, what had been the language which that hon. Member had always used —what had been the language he had used that night, in reference to the University of Dublin? Why, the hon. Member had intimated that scarcely any men of distinction had been connected with that University. [Mr. *Osborne* had spoken of theologians.] But the one or two exceptions which the hon. Member had quoted, were not theologians. He had quoted, as the exceptions, Sir W. Hamilton and Professor M'Cullagh. At all events, not long ago, the hon. Member had asked, in somewhat contumelious terms, who ever heard of any eminent man being educated at Dublin College; and on another occasion he had urged it is a matter of reproach that the University of Dublin should be misrepresented, as he was pleased to say, by his right hon. Colleague and himself, neither of whom had been educated there, intimating that no person educated at that University could be found qualified to represent it. Certainly, when the hon. Member talked of never having heard of any eminent men who were educated in Dublin College, he felt that he had to argue with the hon. Member under some disadvantage. He was compelled to suppose that the hon. Member had never happened to hear that there existed within the last century a very distinguished prelate of the Irish Church, whose name was Jebb, distinguished as a scholar, distinguished as a divine, and distinguished also for his sound and practical knowledge of Ireland. It happened upon one occasion, in a speech in the House of Lords, which speech at the time caused no inconsiderable sensation, that this prelate adverted, amongst many other things, to the very matter referred to by the hon. Member; and in doing so, he used the following expressions, which might convey an answer to the hon. Member:—

"The University of Dublin, which in its earliest days produced Usher, the most profoundly learned offspring and ornament of the Reformation, and Loftus in oriental letters, rivalled only by his great coeval, Pocock; which afterwards sent forth to shine among the foremost of an Augustine age, Parnel, the chastest of our poets; Swift, the purest of our prose writers; and Berkeley, the first of our metaphysicians; Goldsmith, the most natural depictor of life and manners; Burke, the greatest philosopher and statesman of his own or any other age or country; Grattan, the eloquent asserter of his country's rights—the parent of Irish independence;"—

and in later times he would remind the hon. Member that the erudition and learning of Dr. Hales and Archbishop Magee, and Dr. Graves and Dr. Miller, and the eloquence of Plunkett and North—[Sir *R. Peel:* Bushe and Curran.] Yes, Bushe and Curran. He only mentioned those whose names occurred to him at the moment. He would further add, that, however they might differ in politics, it must be a matter of pride to every one connected

with Dublin College, that the transcendent eloquence and brilliant imagination of the right hon. Gentleman opposite, the Member for Dungarvon, had been nurtured under the auspices of that University. Amongst those who are, or have been, in the present generation, more immediately connected with the University of Dublin, the House, he was sure, would recognise the names of Professor Lloyd, Professor M'Cullagh, who had been mentioned by the hon. Member, and to whom recently the Copley prize had been awarded by the Royal Society for his beautiful researches respecting light—Sir William Hamilton, the Astronomer Royal; Dr. Robinson, the astronomer at Armagh; Dr. Wall, well known to the right hon. Member for Dungarvon, [Mr. *Sheil:* Hear!]—and one of the most distinguished scholars of these times in the ancient oriental languages. He might appeal to an hon. Member whom he saw opposite, the Member for Kendal, whether these names, as well as many others whom he might enumerate, such as Professors Kane and Apjohn, were not well known and acknowledged by every man of science in Europe, as persons of whom Trinity College, Dublin, might justly be proud. And now with respect to theologians—he supposed the hon. Member would not deny that Bishop O'Brien was eminent as a theologian. Doctor O'Brien had been a Fellow; Doctor Elrington and Doctor Singer were at present connected with Dublin College. It would be unfair and invidious to institute a comparison between the Fellows of one University and those of another; but when the hon. Member spoke of the Fellows of Dublin College being unoccupied and not distinguished as authors, he must remind the House, that while in the two great English Universities, there were, as he believed, more than 900 Fellows—in Dublin there were but thirty, and of those thirty, the twenty-three junior Fellows were engaged in the education of a body of young men not much inferior in point of numbers to the undergraduates at either of the English Universities. He did not know the precise number of undergraduates at Oxford or Cambridge, but there was considerably more than 1,500 in Dublin College under the instruction of the twenty-three junior Fellows. With respect to the seven senior Fellows, he could assure the House these offices were anything but sinecures; in the first place, as the Board of the College, they had the whole direction and management and supervision of that great institution, and the estates and everything connected with it; in addition to which, most of them were Professors, and in that capacity had onerous duties to perform—and they had, further, the preparation for the fellowship examinations, which it must be obvious required a constant course of severe study. He would now say a very few words on the other subject to which the hon. Member had referred. The hon. Member had urged as a matter of reproach, that the Dublin University was represented in that House by two persons, neither of whom had been educated there. Now, as far as his right hon. Friend and Colleague was concerned, he must deny that this could justly be said to be the case. His right hon. Friend had gone through the whole course, or nearly the whole course, of his education at Dublin College; and although it was true that he had afterwards gone to Oxford for a short time, and taken his degree of A.B. there, substantially he had received his education in Dublin College. With regard to himself, he had to acknowledge that he was open to the reproach of the hon. Member; and he acknowledged he had felt it to be an objection to him. But, because he had been elected, it was by no means fair to raise the inference that there was any want of persons who had been educated in Dublin College eminently qualified, much better qualified than he was, to represent that University, so far as talents and collegiate attainments were concerned. He would say nothing of his right hon. Friend near him (the Attorney General for Ireland), further than this, that every one who knew that right hon. Gentleman, must know that in point of talents and acquirements he was eminently fitted to represent the University where he had graduated. Besides the Attorney General, he had had, as his competitor, a gentleman formerly a Fellow, now a Professor, in that University, Dr. Longfield, a gentleman whom he did not hesitate to acknowledge was greatly his superior in talents and academical acquirements, and who certainly would have represented the University with great ability. But the fact was, the constituency of the University of Dublin consisted now of nearly 2,000 persons—the resident gentry and clergy of Ireland, as well as the Fellows and scholars of the College—and it did happen that there were other considerations involved—the recollections, perhaps, he might say of former contests in which he

had been engaged, and especially those for the city of Dublin, which had excited so much interest—had induced the constituency to prefer him (though he had not come forward of himself) to others far more distinguished for talents and acquirements, and in many respects much better qualified to represent the University of Dublin than himself. He should now proceed to notice the objections which had been made to the present constitution of Dublin University. The first of those objections was its Protestant character. Now, in reference to this, he was prepared to maintain that it was a Protestant institution, and founded for Protestant purposes and objects. Really, considering the time when it was founded, the circumstances of the country at that period, and the parties who had been principally instrumental in its foundation, he did not think that any hon. Member could argue seriously that it was not founded and designed for Protestant purposes. Could it be supposed that Queen Elizabeth at that time, and under the then circumstances of Ireland, could have contemplated anything but an institution for promoting the principles of the Reformation? Could it be supposed that Archbishop Loftus, and Usher, and Burleigh, in those times—or Bishop Bedell and Archbishop Laud, and Sir William Temple, and Jeremy Taylor, in later times —all of whom had been engaged in framing the constitution and statutes of the University, could have intended that it should have been placed under a mixed government of Protestants and Roman Catholics? The statutes of the University were in themselves quite clear upon that point; and those statutes were confirmed by the Act of Uniformity and several other Acts of Parliament to which he might refer. But while the character of the University was essentially Protestant in respect of its governing body, it was most tolerant and liberal in respect to the admission of students, and in affording to students every opportunity both of distinction and emolument that was consistent with the constitution of the University. He was aware that this subject had been referred to on former occasions; but he thought it right, notwithstanding, that the House should be again informed how the matter really was in those respects. In the first place, it should be understood that there was no test whatever on entrance, or with reference to any degree, except degrees in divinity; the Oath of Allegiance was all that was required on the taking of any degree, except divinity. And next, with respect to the honours and emoluments of the College, there were thirty sizarships, objects both of honour and advantage, open equally to Roman Catholics and Protestants; and no imputation of unfairness or partiality had ever been imputed to those who conducted the examinations of Dublin College. All the University honours at the term examinations, and the gold medals at the examination for degrees, were open equally to Roman Catholics and Protestants; so were the University degrees, except in divinity; so were the vice-chancellor's prizes—prizes in English, Latin, and Greek, prose and verse; the Primate's Hebrew prize, Law's mathematical prizes, the Berkeley gold medals, the prizes for modern languages; in history, the medical prizes, those in Biblical Greek, those in the Irish language, and which, for the last two years, had been gained by the Roman Catholics: the moderatorships, or highest honours in mathematics, classics, ethics, and logic; premiums in political economy, catechetical premiums, Hebrew premiums, the exhibitions (which were emoluments) from schools of the foundation of Erasmus Smith, at Drogheda, Ennis, Galway, and Tipperary; the royal scholarships, twenty-five in number, and from 50*l.* to 30*l.* in value, from the schools of Armagh, Dungannon, Enniskillen, and Middleton, and the two Lloyd exhibitions. These honours and emoluments were open to Roman Catholics, equally with Protestants, among the students in Dublin College. He would now come to the higher offices in the University; and he was enabled to state, that the following offices and professorships were open equally to Roman Catholics and Protestants:—the professorship of English law, the regius professorship of physic, the high office of astronomer royal, the professorship of French and German, of Italian and Spanish, of political economy, of civil engineering, the lectureship in natural history, the professorship of moral philosophy, and of the Irish language. With regard, however, to the two latter, although there was no rule to exclude Roman Catholics, yet he felt bound to say in candour, from their connexion with divinity students, it was not likely that the Board could feel warranted in appointing a Roman Catholic. His hon. Friend the Member for Dundalk had been kind enough to point his attention to the Act of Elizabeth, and to subsequent Acts, by which, as he thought, it was necessary that all professors should make a

declaration of conformity to the Established Church. He, though he had not had the opportunity of examining the Statute Book since his hon. Friend had spoken, could not help thinking that these Acts must have been subsequently repealed. At all events, he felt sure they were obsolete, and that, in point of fact, no such declaration of conformity was exacted in the cases he had enumerated. If the House would bear with him for a short time longer, he would now enumerate the offices which were not open to Roman Catholics, and the reasons on account of which Roman Catholics were ineligible to those offices. He was sorry to trespass so long upon the indulgence of the House, but it was really important to the University he had the honour to represent that these matters should be clearly understood. The first office from which Roman Catholics were excluded, was the provostship. He thought it could be scarcely necessary for him to defend that exclusion. There was no one, he thought, in that House, whatever might be his religion, who could say that, considering the objects and constitution of the College, it would be at all consistent with the nature of that high office that it should be filled by any one but a member of the Established Church. Roman Catholics were rendered ineligible by the letters patent of Charles I., by the College statutes, by several Acts of Parliament, the Act of Uniformity, and the Act of 1793. The same arguments and reasons were applicable to the office of vice-provostship. The nature, also, of the office of the Fellows, their being engaged in the religious as well as general education of the Protestant students, appeared to him to justify and render necessary the exclusion of Roman Catholics in reference to the fellowships. It was expressly declared by the College statutes, that all Fellows, except three, should take priests' orders in the Established Church, clearly proving the object of those offices. By the College statutes, also, Roman Catholics were excluded expressly. The same Acts of Parliament, moreover, which applied to the provostships, applied to the fellowships. The professorships of divinity must obviously be confined to members of the Established Church. The professor of Greek, by the College statutes, must be one of the Fellows, and, as such, a Protestant. The professors on the foundation of Erasmus Smith—a private foundation—must be Fellows, and, as such, Protestants. The three University professorships of anatomy, chemistry, and botany, by the Act of the 25th George III., for establishing a school of physic, were open to Protestants of all countries; and of course, by inference, Roman Catholics were excluded. With regard to the scholarships, as the case was now pending, he could say nothing on the subject. The professor of civil law, by the King's letter of 1668, must be a Fellow. He had now, he believed, enumerated every honour, every office, and every emolument connected with the University of Dublin; he had stated what were, and what were not, open to Roman Catholics, and the reasons; and he trusted there would be no further misapprehension on the subject. But there was another matter of complaint urged against Trinity College, which he felt bound to notice. In a petition which had been presented to the House, signed by many most respectable individuals, and in the speech of the hon. Member, it had been imputed to that College that it was defective in many important branches of practical education. Now, in the first place, he must remind the House that a University was not intended to be a mere mechanics' institution, and that the higher branches of knowledge and science should occupy the highest places in a course of University education. But he thought, in practical matters, Trinity College might challenge a comparison with any other College in the Empire. He could state how matters were in this respect: an engineering school, which was well attended, had been established by the Board—lectures were given in that school by three of the Fellows, as also by Mr. Oldham and Dr. Apjohn, on the practical application of chemistry, mineralogy, and mechanics, to engineering—and they had placed Sir John Macneill at the head of that school, who afforded the class the best opportunities of a practical acquaintance with that subject. There was also a professorship of geology, recently held by a distinguished geologist, Mr. Phillips, whose removal from Dublin was a matter of great regret. There was a public course of lectures, as well as a private one, in that school. In botany there was an herbarium formed; an admirable collection was purchased, and Mr. Harvey, a well-known botanist, made curator; in zoology there was a museum open to the public, and Mr. Ball appointed director. He believed that the means which had been taken by Trinity College to advance the study of natural history were estimated by natural-

ists in this country, and that he might appeal also on this subject to the hon. Member for Kendal. Then there was the magnetical observatory, under Professor Lloyd, established at great expense by the Board of Trinity College, in which, during the last six years, most important observations had been made, from which there could be no doubt interesting and valuable results would arise. There were also lectures in political economy, moral philosophy, and biblical Greek. He thought he had stated enough to prove that the promotion of study in practical matters was not neglected by the Fellows of Trinity College. He would, however, repeat, that they considered as paramount a certain progress in the usual University branches of classics and science, and that they therefore withheld certificates for attendances on these new courses, unless the students should have passed through the science and classical course of the first year. He was sorry to have occupied so much of the time of the House. He would resist the Motion of the hon. Member, because he could not but think that it was most inexpedient and unnecessary to subject gentlemen of the highest attainments, who had devoted themselves for many years to the education of youth, to the unpleasantness of an inquiry, as the hon. Member proposed, into the amount and items of their income. The House ought to recollect that these were men who, from their talents and acquirements, must certainly have risen in other professions to the highest eminence. The income of the senior Fellows had been stated at 2,000*l.* a year: this he believed to be an exaggeration. He had reason to suppose that 1,500*l.* was the highest emolument which any senior Fellow enjoyed in any capacity from the College. But even if the amount were 2,000*l.* a year, he should be sorry to think that there was any one who would grudge even that amount as the recompense for the successful cultivation of the highest talents, and for the devotion of twenty or thirty years to the education of the youth of Ireland. He further resisted the Motion, because he could see no reason why, if an inquiry were to be made into the revenues of Trinity College, Dublin, a similar inquiry should not be made into the revenues of Trinity College, Cambridge, and King's College, or any other College which had the reputation of being wealthy. No case of abuse had been made out. The hon. Member had been obliged to rest his case upon what he called the gigantic connubiality of the system in Dublin College. He would not enter now into the question of the expediency or inexpediency of permitting the Fellows to marry. That, however, was a Government question—not grounds for such an inquiry as was proposed. Many hon. Members had almost strained their consciences to support the Irish Colleges Bill. He would confess that he was one of them. He had supported it because he believed that education was wanted among the middle classes in Ireland; and he sincerely hoped and trusted the measure would have a salutary and happy effect upon the social condition of that country; but he warned Her Majesty's Government against attempting to carry further the principle of that measure. Its principle was scarcely upheld by any one—though the particular measure was thought justifiable under the peculiar circumstances of Ireland. But it was most essential it should be understood that the same principle was not to be applied to the other institutions. Great concessions had recently been made, and were still making, with the hope of conciliating the Catholics of Ireland. The conciliation that people hoped for would certainly be marred, and discord and distrust excited, if the Protestants were to see that each concession was made the ground of fresh aggression—and if, after institutions being created for the Roman Catholics of Ireland, which Protestants thought questionable in their mixed government and the character of their education, attempts were to be countenanced to apply a similar principle to institutions which the Protestants of Ireland looked upon as their own. After thanking the House for the patient attention with which he had been listened to, Mr. Hamilton concluded by expressing his intention of offering his most strenuous opposition to the Motion of the hon. Member for Wycombe.

Mr. *Warburton* said, that the question before the House was not the number of great men which Trinity College had produced, but whether the objects for which the University had been established had been fully accomplished according to the purposes described in its charters. What were the purposes for which the College had been established? What were the circumstances under which the fellowships and scholarships were founded? They ought to consider those questions attentively, and whether they had been fully carried out, and, if not carried out, in what particulars they had been neglected. The

object of the Motion of the hon. Member was to ascertain by a Commission, to be appointed by Her Majesty, if the objects for which the University was established had been carried into effect, and if the money which was appropriated to that purpose had been properly expended. The original objects seemed to be of a most comprehensive character — to teach the liberal arts; and it appeared from the original charter that at the period of its establishment the University was so fully adequate to the teaching of the inhabitants of Ireland, that teaching the liberal arts in any other institution in Ireland was considered wholly unnecessary. That was the nature of the original charter in 1592; but there was a subsequent charter of Charles I., in 1637, and in that charter it would appear, from the sums appropriated as stipends to the provost, Fellows, and scholars, that they possessed but small emoluments. The provost was by that charter allowed 100*l.* per annum, the seven senior Fellows were allowed 9*l.* 13*s.* 4*d.* each, and the four junior Fellows 3*l.* per annum. It was true that money was at that time of a different value from the present; but allowing for that difference, the emoluments of the provost and Fellows was at that time very much below what it was under the present system. They ought, therefore, to consider whether there were under the existing system a larger amount of profit and emolument given to the provost and Fellows than the amount which was intended to be given by that charter. In Elizabeth's time, the fellowships were established under a system calculated to encourage the acquisition of learning and the cultivation of the liberal arts, which purposes it was intended to accomplish by a rapid succession of Fellows. In Cambridge and Oxford the fellowships were rendered conducive to the encouragement of learning, by restrictions, in some cases, to a certain number of years, or by becoming vacated on the marriage of the person holding the fellowship, or his being appointed to a living beyond a certain amount of value. There was no sufficient reason why an inquiry should not be made into the amount of emolument which the Fellows in Trinity College received under the existing system, and into the regulations under which those fellowships were now held; and if it were ascertained that those regulations, and the emoluments of the fellowships, were not in accordance with the charter, then in that case the original regulations ought to be enforced, if they were found to be better calculated for the encouragement of learning and the cultivation of the liberal arts. It appeared by the charter of Charles I. that Fellows were not permitted to marry—that if any one contracted marriage during his fellowship, it should be vacated; and in 1811 the Fellows themselves, it appeared, agreed, as every one would be supposed to do who had read the charter of Charles I., that such was the meaning of the words of the charter. If this regulation were for the encouragement of learning, had they not a right to inquire as to why it had been departed from? In Trinity College, Dublin, and in Trinity College, Cambridge, from precisely the same premises, they arrived at the very opposite conclusions. In Trinity College, Cambridge, it was held that the rapid succession of fellowships, being held, as they were, for no longer than seven years after being obtained, unless the parties took holy orders, was conducive to the encouragement of learning within the University. In Trinity College, Dublin, somehow or other, those to whom the regulation of this matter was referred, were acting upon the very opposite principle. If this alone were the question to be raised before such a Commission, he thought it was but fit that a Royal Commission should be issued by Her Majesty in reference to it. Seeing that the practice of Trinity College, Dublin, was so opposed to the practice, in this respect, of the Universities of Oxford and Cambridge, and that the general belief, in these latter, was, that the rapid succession of fellowships tended to give encouragement to learning at an early period of life, he must say that this subject alone deserved the attention of Her Majesty's Government, and that, on this subject alone they should issue a Royal Commission for the purpose of inquiry. His hon. Friend had also made out sufficient grounds for the appointment, by the Government, of a Commission of Inquiry, in order to see whether or not the funds of the College had been diverted from their original purpose. And here too, when the College was open to students of the Catholic persuasion, who might choose to attend it, and where they might take degrees, it appeared to him that, considering the changes of time and circumstances, it was well deserving of inquiry, whether the impediments which now existed to conferring offices of emolument upon them could not be greatly re-

moved, and whether these offices could not be thrown open to a much greater extent than they were at present. The right hon. Secretary for Ireland said that the funds which supported Trinity College were not public but private funds. As to the case of Scotland, with regard to four out of the five Universities in that country, the original funds by which they were endowed, were funds granted to them by various Popes, who were in their day encouragers of learning. But the funds in this case, by which Trinity College, Dublin, was endowed, were not conferred upon it by Popes, but were derived from the property of the Earl of Desmond, and other great proprietors whose property was confiscated. The argument, therefore, that in the one case public property was made use of, and not in the other, fell to the ground. This property of Trinity College, Dublin, belonged to the Crown before it was conferred upon that College for public purposes. The funds for the support of Trinity College, Dublin, were, to all intents, as much public funds as if they were procured from the Consolidated Fund. In the case of this College, they had already the whole establishment, with its buildings, at their command; and they had every facility for opening it more widely to the Catholics than before; and he, therefore, thought that their best course would be—leaving to the Protestants their existing funds and the foundation, so far as they were strictly applicable to Protestant uses—to endow new fellowships and professorships, to which Catholics might be eligible, and have, equally with their Protestant brethren, a reward thus held out for their exertions. It was but right that the benefits of the education to be procured at the College should, in every respect, be more widely extended to the Roman Catholics; and to this end, the objectionable practices at variance with the intention of the founders of the College should be removed. He thought that there were good grounds in this case for inquiry, and he would, therefore, cheerfully vote with the hon. and gallant Member who moved for the Commission.

Sir *R. H. Inglis* observed, that the hon. and gallant Officer who introduced this subject, appealed to him and claimed his vote, on the ground that in a former debate he had promised to support a Motion for a Commission of Inquiry in any case in which an abuse might be alleged and proved. Admitting his words to have been correctly quoted, he still contended that they did not properly apply to the subject then before the House. An abuse, indeed, was alleged, but an abuse was not proved. The hon. and gallant Officer found only two things which he termed abuses, and which alone the most jealous scrutiny could discover in the history and present state of Trinity College: and these were, in the first place, that the income of the College was 50,000*l.* a year, and, secondly, that Fellows were legally allowed to marry. As to the first, it was not necessarily an abuse, even if the statement of fact were correct. But, in point of fact, when they analyzed the amount of income, as stated by the hon. Member for the University (Mr. Hamilton), it turned out that only 21,000*l.* of that income could be considered as the income of the University, as such, the remaining thousands being as completely the personal earnings of the individual Fellows and others, as were the earnings of any man in a particular profession or calling in the world. It was as unreasonable to include the income derived from their pupils in the aggregate emoluments of the College, as it would be to include the fees of Dr. Chambers, or Sir Benjamin Brodie, or any other of the eminent men connected with the London Colleges of Physicians or of Surgeons, in the aggregate income of those institutions. The income of professors should not, therefore, be regarded as an abuse or grievance, which warranted the issue of a Royal Commission. The hon. Member for Kendal (Mr. Warburton) laid particular stress upon the other point—the marriage of the Fellows. It was not for him (Sir R. H. Inglis) to state now, as a general proposition, that he would or that he would not defend the introduction of such a system into the College. He was, however, at liberty to consider it as a fact before the House. But did not the fact itself as it stood, even on the hon. Gentleman's own showing, prove that if such a system were wrong, it could be remedied by the same authority as permitted it to exist? The celibacy of the Fellows was first prescribed by the Sovereign and visitors, and afterwards relaxed by the same authority. In 1811, the obligation to celibacy was again restored, and recently relaxed; and if it were advisable to restore again the original obligation to celibacy, the Crown might effect that without a formal visitatorial inquiry. The hon. and gallant Officer stated that Trinity College was founded on the

site of the Monastery of Allhallows, and endowed from the lands of the Earl of Desmond. That was an error of memory; for the Monastery of Allhallows was alienated by Henry VIII. to the Mayor and citizens of Dublin; and it was not till half a century afterwards that it was made the site of the present University. And under what circumstances was the University founded? Adam Loftus, the Archbishop of Dublin, applied to the citizens of Dublin, and told them what advantage it would be to themselves and their children, and "how many stories high it would raise the foundations of their fortunes"—for that was his language—if they would make a voluntary grant of the foundation of Allhallows Monastery, for the purpose of raising thereon his new College and University. Stimulated by his exhortations they made the grant; but so far from the College having been built by the plunder taken from Roman Catholic proprietors, the Lord Deputy and Lords of the Council sent letters to every barony in Ireland, urging them to contribute to the erection of the College. And such was their confidence in the way in which that appeal would be met, that in a few days after the issue of those letters, the first stone of the College was laid—he (Sir R. Inglis) thought it was in March, 1594—and such was the liberality of the people of Ireland, that in less than two years from the laying of the first stone, students were admitted. This College was as purely a Protestant institution as the most decided advocate of the cause of Protestantism could desire. It was said by the hon. Member for Kendal that in the charter itself there was no reference to the word Protestant. That was true; but could any one doubt whether Queen Elizabeth had any other object in view in founding that College than the promotion of the Protestant faith? The charter was to be interpreted by the state of the law and the state of public opinion at the time. The College was essentially Protestant, and especially designed for the instruction of the priests of the Established Church. But the hon. Member for Kendal said—"You are inconsistent—you promote the visitation of the Colleges in Scotland, and why do you not promote a visitation of the University in Ireland?" His answer was—prove your abuse before you enforce any process for its correction. The Universities in Scotland never had since the Revolution any authority represented in England by what was called a visitor—there was no intermediate visitor. In England the Archbishop of Canterbury was the visitor of one College, the Earl of Pembroke of another, and the Bishop of Winchester of others; but there were not more than half a dozen Colleges of which the Crown was the direct visitor. In Ireland there was no intermediate visitor. Therefore, in Scotland, if any improvement could be suggested, it was a matter for consideration whether the Crown should be advised to issue a Commission to inquire into the fact, and suggest an appropriate remedy. But in Ireland there was a visitor exactly in the same relation to the University as the visitors of the Colleges of Oxford or Cambridge; and, therefore, the analogy of the hon. Member for Kendal did not at all apply to the case more immediately under discussion. On the whole, he saw no proof of any abuse, to justify any interference on the part of the Crown in the administration of private funds, or even of public funds confided to private hands. He should therefore oppose the Motion.

Mr. *Hume* was sorry to see that this Motion encountered the opposition of the Government. Considering that their policy during the whole of the present Session had been, or appeared to be, guided by a sincere desire to conciliate the people of Ireland, he thought that, on this occasion, they were but throwing away a good opportunity of so doing, as this would have been one means of succeeding in their object. In reference to the charter of the College, the hon. Baronet (Sir R. Inglis) said that mere words were of little importance; but were the words in favour of the views of the hon. Baronet, he would be the last person to say so. The hon. Baronet tried to justify the present exclusive system pursued in Dublin by the spirit of the charter; but that document did not bear out the hon. Baronet's conclusion. On that ground, if on no other, they should act fairly and liberally. He considered, that, even if the College had been instituted to exclude all classes but one class, the time had now come when, as a public institution, they should consider whether its constitution was fit and proper, and whether the time had not now arrived when that constitution should be changed. That was his view of the matter. It was said, in answer to the hon. and gallant Member who moved for this inquiry, that this was not the time for such a Motion, But, surely, it was a proper time to bring forward such a Motion, when Her Majesty's Government had brought forward a

measure for collegiate education in Ireland. The object of his hon. Friend in now making the Motion, was, that they should first see how the assets and funds already applied to the purposes of education in Ireland, were disposed of. Was not that a reasonable demand? Ireland should have her full share of the benefits of academic education, and it was upon that ground that he supported the measure of Her Majesty's Government; but did he not act right in asking, at the same time, for an account of the appropriation of the funds already existing and applied? Nor was this Motion suddenly brought forward. His hon. Friend gave notice of it almost on the very first day on which the Irish Colleges Bill came before the House, and only consented to postpone it from time to time to meet the convenience of Ministers. They should give the Motion the same effect now, as if it had been brought forward before. It was unreasonable on the part of the Government to call upon the House to vote away money for extending academic education in Ireland, without holding themselves ready to give an account of how the present funds were appropriated. A Commission had been issued in the case of the Scotch Universities; but it was contended that that was no precedent. He regarded it as a precedent directly in point. He was himself the person who applied for that Commission, and moved for it when application was made for funds to rebuild Marischal College, Aberdeen. The case now, with respect to Ireland was similar. In the one case, as in the other, there was an application for money; and in the one case, as in the other, should inquiry be made. As long as the exclusive system continued in Ireland—as long as the Protestant party were treated as a separate and a superior class, the people of Ireland never would be, and never ought to be contented. And, if there was an exclusion against the Roman Catholics being admitted to these Colleges, it ought to be removed now. The policy of the Government demanded that it should be removed; for their object was to tranquillize and do justice to Ireland, and unless perfect equality were established, that would be impossible.

Mr. *Lefroy* would oppose the Motion, believing that its object was to open the emoluments of Trinity College, not only to the different religions in Ireland, but to all religions. The Statutes to which the hon. Member, for Kendal had referred, confined, as explicitly as words could, the emoluments of the University of Dublin to members of the Established Church, and enjoined that every person taking orders, or being promoted to any degree of learning, should take the Oath of Supremacy. The Statute of Charles II. also excluded Roman Catholics, not only from fellowships and scholarships, but even from the University itself. He thought it most unreasonable that because they supported a grant for general education in Ireland, they should be called upon to interfere with the revenues of this University—to interfere with property that had been granted for merely Protestant purposes, and for the support of the Protestant religion in that country. Under all the circumstances of the case, it appeared to him that the Motion of the hon. Gentleman had not been supported by argument at the other side of the House. For himself, he must say that he believed they were bound to support the College of Dublin in all its rights and in all its property. It had not been shown that they possessed any excess of property—it had not been shown any abuse had taken place in this University. If, then, under such circumstances, they interfered with the property of this University, there would be no security for any ecclesiastical property whatever. For these reasons, he gave his decided opposition to this Motion.

Mr. *M. J. O'Connell* rose to support the Motion. The hon. Members who had defended Trinity College had not displayed much force in their arguments. It was said by the hon. Member who had just resumed his seat, that the Statute of Elizabeth prevented persons of Roman Catholic opinions holding offices in this University. Now he thought that there was some mistake in this, because if Roman Catholics were excluded by the Statute of Elizabeth, why would such pains have been taken to exclude them by the Statute of Charles I., which passed so many years afterwards? He now came to the question of the property of the College. He must say on this point, that he did not think that the opposition to this Motion of the hon. Member for the University of Dublin was well founded; for he could not see what interest the University had in keeping the public in ignorance of the amount of its revenues. What objection there could be to make the public acquainted with the average amount of those revenues, he was totally at a loss to understand. He admitted that there

might be a distinction made between the fees of tutors and the fees received as College fees; but still there ought to be no objection to state the amount of these revenues. Well, then, he would now turn to what he considered of greater importance—the religious question involved in this Motion. The hon. Member for the University of Dublin, in enumerating the brilliant men which that University had produced, had mentioned the name of Professor Kane: now, was it not strange that the University was so constituted that there were no means to enable that eminent man to live within the University? It was seventeen years since the Act of Roman Catholic Emancipation had passed, and some means ought to be found for putting an end to this system of exclusion. It was lamentable to see a professorship of this kind open to professors of all nations, and that Roman Catholics alone were excluded. Aliens in blood were admissible, but aliens in religion were not. He hoped that they would have some further expression of the principles on which the Government were prepared to act in this instance. They had already seen their inconsistency in endeavouring to enforce two distinct principles with respect to education in Scotland and in Ireland. The hon. Member for the University of Dublin had alluded to him (Mr. M. J. O'Connell) amongst others as having been educated in the University of Dublin. He confessed he looked back with pleasure to that circumstance, as having enabled him to form very valued connexions; but this did not blind him to the faults of that University. He considered that no system of education in Ireland would ever be satisfactory until that University was opened to the Irish people. He had supported the early stages of the Government Bill, on the ground that he was an advocate for a system of mixed education. He was anxious that the youth of Ireland, of all persuasions, should be brought up together, proper care being taken to guard their faith and morals—learning secular education together, and forming those future friendships which would be the best means of putting an end to religious discord in that country. But he contended that there could be no successful system of mixed education unless the Dublin University were thrown open equally to all classes — and until the advantages and emoluments of the professorships ceased to be confined to a favoured class. Although they might establish new Colleges, the feeling of the country would for a long time be against them, and the established University would be preferred. The hon. Member had alluded to the admission of Roman Catholics as sizars; but he feared that in many instances Roman Catholics who had been admitted as sizars had conformed to the Protestant Church. In supporting the Motion of his hon. Friend, he begged to say that he did so in no hostile spirit to the University of Dublin; for which, with all that he considered to be its faults, he entertained those feelings which it was natural he should entertain to the place where he received the greater portion of his education. He wished that all religious distinctions with respect to education in Ireland should be done away with, and that could not be the case unless all classes were put on an equal footing with respect to the honours and emoluments of this University. For these reasons he supported the Motion.

Mr. *Shaw* had but little to add to the excellent speech of his hon. Friend and Colleague (Mr. Hamilton); but, in consequence of some observations which had since been made, as well as some of the remarks with which the hon. and gallant Gentleman (Mr. Osborne) had introduced the Amendment, he (Mr. Shaw) would beg the attention of the House for a few minutes. The hon. Gentleman who had just sat down, had borne testimony to the willingness of the authorities in Trinity College to give information, when it was sought in a friendly spirit; as they had proved by consenting to a return within the last week, of the reports, valuations, and surveys of their estates, as made by their officer, Mr. Collis, which had been moved for in that spirit of friendliness by a tenant of their own—the hon. Member for the county of Cork (Mr. O'Connell). But the present was a hostile and invidious Motion, with the avowed object of alienating the property of the University of Dublin to purposes the very opposite of those for which it was founded. The hon. Gentleman (Mr. Osborne) had complained that he had described the property in question as the private property of Trinity College, Dublin: he certainly had done so. It was the private property of a public body, held, no doubt, on a public trust; and that body was liable to account for any breach of that trust; but where no abuse had even been alleged, much less attempted

to be proved, he demurred to the jurisdiction of that House. The University of Dublin received no grant from the House, and was not in that respect amenable to their control. At the same time, the heads of that institution had no motive or desire for concealment; and to the Crown, either through its visitors, which would be the regular course, or even to the responsible Ministers of the Crown, the College was ready to afford all reasonable information respecting its income and expenditure, and the entire management of its affairs. The hon. Gentleman (Mr. Osborne) boasted that he would not be deterred from his attack on the funds of the University by what he termed the cuckoo cry, that "the College had been founded by a Protestant Queen, endowed with Protestant money, and was for Protestant purposes." Neither would he—let him tell the hon. Gentleman—be deterred by the hon. Gentleman calling it a cuckoo cry, from repeating the simple truth, which could not be too often told—that the University of Dublin was founded by a Protestant Queen, endowed with the money of Protestants, and for purposes essentially Protestant—the principal of them being to provide a learned and efficient body of men for the ministry of the reformed faith, as by law established in Ireland. The hon. Member for Kerry (Mr. Morgan J. O'Connell) had been very hasty in contradicting his hon. Friend the Member for Longford (Mr. Lefroy), when his hon. Friend stated, that the Irish Parliament had passed an Act in the 2nd of Elizabeth, excluding from the University all persons who held the doctrine of the Pope's supremacy. He had since got the volume of the Irish Statutes from the library. His hon. Friend had been quite correct, and he would read the provision to the House; it was from the 2nd Elizabeth, cap. 1, sec. 10—

"All persons which shall be preferred to any degree of learning in any university that hereafter shall be within this realm, shall, before being preferred to such degree, take the said Oath of Supremacy."

Why! the legitimacy of Queen Elizabeth was not at that time acknowledged by the Roman Catholics; and, no one who knew anything of the history of those times required to be told that the whole policy then was to exclude Roman Catholics. So, in fact, the constitution of Trinity College continued until the year 1793. And since then, for all the purposes of education and degrees, the studies and honours of the University were as open to Roman Catholics as to Protestants. That fact had been studiously kept out of sight by hon. Gentlemen opposite in these debates; and there were many Members probably on both sides of the House who thought that this was more a benefit in theory, than practically enjoyed by the Roman Catholics of Ireland. But the fact was, that they availed themselves of that privilege in the full proportion of their numbers in the educated classes in Ireland; and many hon. Members of the Roman Catholic persuasion, who had taken part in those debates—the right hon. Member for Dungarvon (Mr. Sheil), the hon. Member for Waterford (Mr. Wyse), the hon. Member for Kerry (Mr. M. J. O'Connell), and the hon. Member for Louth (Mr. Bellew)—had been educated at the University of Dublin. He confessed that he thought it but a bad return of those hon. Gentlemen, and those Roman Catholics who had derived the full advantages of a university education in Trinity College, who now joined in endeavouring to subvert its foundation; and, although he did not desire to see the system altered at Dublin, he could not be suprised if the conduct of the Irish Roman Catholics suggested some caution to the Universities of Oxford and Cambridge, in taking the first step, and admitting to degrees—the great boon now sought from them—the Dissenters in this country, when they witnessed to what unreasonable demands the same concession had led in Ireland. The hon. Gentleman (Mr. Osborne) had again attacked him that night for being necessarily ignorant of the affairs of Dublin College, because he had not graduated there; and the hon. and gallant Gentleman professed to instruct him on the subject. Now, he was sorry to be obliged to speak of himself, but the hon. Gentleman forced him to it; and he must therefore beg for one moment to compare the means of a knowledge of the affairs of the University of Dublin possessed by himself and by the hon. and gallant Member. It was true that he had not taken his bachelor's degree at Dublin—but he had first studied for three years in the immediate vicinity of Dublin College, and under very distinguished members of that body, for the entrance course—he then entered the University, and went

through a year and a half of the undergraduate course. For reasons of a purely private nature with which he need not trouble the House, he then entered *ad eundem* at Oxford, and took a Bachelor of Arts degree; but he had since taken the degrees of both Master in Arts and Doctor of Laws in the University of Dublin—besides which, he had all his life resided in the neighbourhood of the University—he had lived in the same House with four of his brothers while they were graduating there, and since had four of his own sons studying under private tutors in the University, and one of them was a graduate. Under these circumstances, he did venture to think that he was likely to know as much of the system and practice of that University as the hon. and gallant Member, who could have had but a sort of cantering acquaintance with the neighbourhood of Dublin for a very few years, as military aide-de-camp to the Lord Lieutenant. The hon. and gallant Gentleman then spoke of some gigantic connubiality—was that the expression? [Mr. *Osborne:* A gigantic scheme of academical connubiality!] Well; but really it was rather ungracious of the hon. and gallant Gentleman so to inveigh against Irish connubiality; when he should recollect that almost his only pretence for interfering in Irish matters at all was his own recent connubial connexion with that country. But, to be serious, he had not approved of that Statute, procured by Lord Fortescue, which he believed had been refused by his right hon. Friend the present First Minister of the Crown—[Sir *R. Peel:* Hear!]—entirely repealing the Statute of celibacy, although he thought some relaxation of it was desirable. And as regarded the incomes and duties of the Fellows of Trinity College, the hon. and gallant Gentleman (Mr. Osborne) must excuse him for saying, that he (Mr. Osborne) had betrayed the most remarkable ignorance. First, he had stated the property of the College to be above 50,000*l.* a year. The fact was—deducting what could not with propriety be charged, the professional fees of the tutors for pupils—the whole yearly income of the College was as nearly as possible the same as that House had voted that Session as the future annual income of the College of Maynooth. The junior Fellows did not receive more than about 300*l.* a year, besides what they derived from the payments of their pupils; and the incomes of the senior Fellows, which the hon. and gallant Gentleman had spoken of as nearly 3,000*l.* a year each, he would state to the House, from an authentic paper which he was authorized to read, and which was as follows:—

"A senior Fellow's income fluctuates a good deal—being made up of various items. The salary of a senior fellowship is 100*l.* a year Irish—92*l.* The remainder depends on renewal fines, and on certain fees, varying with the number of students on the College books, and with the number that take degrees. The income from renewal fines is about 800*l.* one year with another; and the fees from students and from degrees may be calculated at about 300*l.*, so that 1,200*l.* will be as nearly as possible the value of a senior fellowship. This is, of course, exclusive of offices. If a senior Fellow also holds a College or University office (such as proctor, senior lecturer, librarian, bursar, &c.), he, of course, has a salary belonging to that office; and I do not think it is fair to add this to the income of his fellowship. However, if you do so—taking the average of all the offices which a senior Fellow can hold, and adding this to the above, the greatest value that can be assigned to a senior fellowship will be 1,500*l.*"

The greatest mis-statement of all was with reference to the duties of the Fellows. The hon. and gallant Member stated that they were very light. The very contrary was notoriously the fact; and the general complaint had been, that the duties were too onerous, and the Fellows not numerous enough to discharge them. The senior Fellows, seven in number, who attain that post after an average of thirty years as junior Fellows, and after having devoted the best part of their lives to the service of the College, have committed to them the entire superintendence and control of the discipline and conduct of the University; besides that, they are sole examiners at the annual public fellowship examinations; and he had before stated in the House, that he had himself heard that eminent man—the late Archbishop Magee—state, that while he was a senior Fellow it took him six months' hard reading each year to prepare himself as examiner for that examination. Then, the junior Fellows were constantly and actively engaged in the instruction of the students; and in addition to their ordinary duties in that respect, they had distributed amongst them the class of divinity students, which amounted to about one hundred yearly,

whom they had frequently to lecture in their own rooms; and the divinity course at Dublin, he did not hesitate to say, was much stricter and more diligently enforced than at either of the English Universities. This both answered the objection, that divinity was not made a leading object of study at the University, and was a further proof of the necessity that the main body of the Fellows should be Protestant divines. There was, no doubt, a difference of system between the fellowships of the English and Dublin Universities—each, perhaps, having its own peculiar advantages. In England, the fellowships were much more numerous, and of less emolument, many of the Fellows being non-resident, and holding livings with their fellowships. Neither was allowable at Dublin—every Fellow was resident, and actively engaged in collegiate duties, and if he accepted a living he must resign his fellowship. The English system afforded more of what was termed learned leisure—gave greater opportunity for the pursuit of general science and literature, and consequently produced a greater number of authors; but the Irish, beyond doubt, must insure a higher class of general instructors for the student, and held out a premium for men of the highest talents and attainments to devote their whole energies and lives—first, to obtaining a fellowship, which is open to public competition; then, as junior Fellows, to the education of the students; and afterwards, if they reached the board, to the important duties he had described as belonging to the senior Fellows. Each system had been found to work well in its own sphere; and it would, probably, be dangerous to alter either, without the most serious consideration. That was, however, a question quite distinct from that then proposed to the House for opening the foundation and governing body of the University to Roman Catholics; a proposition which he would conclude by repeating never could be agreed to without a gross violation of the express intention of the founders of the University—shaking the stability of all the sacred and civil institutions in both countries, and perilling the rights of property in every part of the United Kingdom.

Mr. *Sheil*: Sir, the Motion immediately before the House is an Amendment to the proposition of the right hon. Baronet op-

speeches upon the two subjects—one on the Amendment of my hon. Friend, and the other upon the third reading of the Bill. In the first instance, then, I will advert with great brevity to the first point under consideration; then, with equal brevity, to the Bill itself. I coincide with my hon. Friend the Member for Kerry (Mr. M. J. O'Connell), in thinking that education in Ireland should be mixed—I mean secular education. We must in manhood associate in every walk of life—the Catholic and the Protestant merchant must place in each other that entire reliance which is the foundation of all mercantile transactions—to the Protestant and Catholic solicitor, to the Catholic and Protestant advocate, men differing from them in religious opinions, entrust fortunes, life, and honour. At the Bar, where our faculties are in collision, and our feelings are in contact, our forensic brotherhood is not interrupted by theological discriminations; in the noblest of all professions—in the Army, the Catholic and the Protestant Irishmen are comrades, and are attached by a devoted friendship; they stand together in the same field of fight; they scale the same battery, they advance in the same forlorn hope, and—to use a fine expression of the great poet whose remains the First Minister of the Crown lately deposited hard by—from the "deathbed of fame they look proudly to heaven together." And if thus, in our maturer years, we are to live and to die together, shall we be kept apart, in the morning of life, in its freshest and brightest hours, when all the affections are in blossom, when our friendships are pure and disinterested, and those attachments are formed which last through every vicissitude of fortune, and of which the memory survives the grave? But while I think that our altars should not stand as partitions between us, I do not think that from our altars we should turn with indifference away. Mixed secular education ought to be combined with separate religious instruction, which ought to have been provided by the State. You rely upon the system pursued by the National Board; but where there is no similitude, you ought not to resort for assimilation, A village school, where children are taught the mere rudiments of learning, does not afford a model for an academical institution, in which the eternity of matter, the existence of an external world, the origin

which are represented by the sublimest writer in our language as the themes of angelic controversy, and of more than angelic apprehension. Religious instruction is peculiarly required by the boy who leaves his home, who is no longer under the guardianship of that best of all sentinels, a father's and a mother's love—who cannot take the *penates*, the household angels, along with him to a boarding-house in Galway or in Cork. He is encompassed by temptation — his temperament is undergoing the process of perilous expansion. To him a little learning is peculiarly dangerous; it is in the shallows, and amidst the foam of tumultuous passion, that faith goes to pieces. How often have I seen a precocious smatterer in metaphysics rush with a presumptuous familiarity into subjects from which, as we grow older and wiser, we turn as we would from unearthly visitants, that—

> "Shake our dispositions
> With thoughts beyond the reaches of our souls!"

Against these evils, of which the likelihood is not imaginary, it is your duty to guard. You ought to locate in your Colleges a Protestant and a Catholic ecclesiastic, pious, learned, and persuasive, by whom the great tenets of Christianity might be enforced, by whom the New Testament—in whose moral injunctions we all concur—in whose dogmas we ought to have no acrimonious difference—should be read and expounded according to the interpretations of their respective churches —whose eloquence should charm, whose example should allure, and by whom the minds of their young spirits should be elevated to the political contemplation of those subjects, in comparison with which every object, of an interest merely human, dwindles into evanescent diminution. I do not wish for a chair of divinity—I do not ask for rival theatres of theological disputation—I want a Catholic priest to say prayers for Catholics, and a Protestant priest to say prayers for Protestants. You have made no provision for any religious worship, and I am sure that you are wrong. You leave pious individuals to endow—why don't you endow yourselves? Why pay for geology and not for Christianity? But, said the Home Secretary, who is much more skilled in escaping from an argument than in refuting it, if we endow "the Catholic and the Protestant Church," we must endow the Unitarian, the Quaker, and the Jew. Would not this sophism forbid the payment of a chaplain in a workhouse, a prison, or a barrack? You perfectly well know that the students will consist of Catholics and of Protestants in the south of Ireland, and you ought particularly to adapt your measures to the existing state of facts, instead of resorting to a remote possibility as the basis of your legislation. My conviction is, that you are influenced by an apprehension of exciting the prejudices of the people of this country. In governing Ireland there is nothing which you should be so much afraid of as of fear; and as for keeping up distempered despotism a bad audacity would be needful, so for the purposes of true conciliation, courage is beyond all else required. You ought to have availed yourselves with eagerness of the entreaty of the Catholic bishops. You have done nothing in accommodating this measure to the Irish Catholic bishops; and as they are a body possessed of an almost paramount influence, you have committed a grievous fault in this regard. I presume that your measure has a political object; if so, you have omitted the means by which that object is to be attained. This brings me to the consideration of the course you have adopted with regard to the professors. You think that the Catholic bishops were unreasonable in asking that the professors of metaphysics, of geology, and of anatomy, should be Catholics. I stop not to suggest that you do not think it at all monstrous that all the Fellows and all the professors in Trinity College should be Protestants. The professor of anatomy must be a Protestant. You will admit Catholic subjects without stint, but by Protestant Dissenters they must be orthodoxically cut up. I stop not, however, to point out to you your own inconsistency, and think it better to tell you that you might have taken a middle course. If you had opened a field of competition, and provided that the professors should be selected by public examination, you would have obviated every objection. You would, besides, have given an opportunity to men of great talent and great knowledge who are now unknown to you, to give proof of those accomplisments and acquirements which are lost in the obscurity which it should have been your effort to disperse. You have reserved the right to appoint the professors, because

you tell us that you are entitled to possess it. However anxious to avoid all discourtesy, I feel it my duty to tell you that I am at a loss to discover the peculiar claims which you possess to the confidence of the Irish people. I will not dwell upon what has been so often the subject of consideration, of your total misapplication of the patronage of the Crown. I will not advert to the events of such recent occurrence that you cannot imagine that by the people of Ireland they are already forgotten. But I will direct your attention to this fact, that there is not a single Catholic, directly or indirectly, connected with your Government. Sixteen years have elapsed since Catholic Emancipation—the man who carried it is at the head of the Government—there are 8,000,000 of Catholics in Ireland, and yet there is not a single Catholic in office. The Whigs did promote Catholics to office. The Attorney General of Ireland is a great functionary, and is consulted on every important measure. When the First Lord of the Treasury was Secretary for Ireland, he must have been in constant intercourse with the late Mr. Saurin, and must have often abided by his opinion. Under the Whig Government in Ireland, Sir Michael O'Loghlin and Chief Baron Woolfe, of each of whom I may justly say "*Multis ille bonis flebilis occidit*," held the office of Attorney General. Judge Ball, a gentleman who stood at the top of the Irish bar, and had the highest possible professional reputation; and Mr. Pigot, who is now in the fullest business, and is eminent for his great abilities, held that important office. These gentlemen were in contact with the Irish people, and perfectly understood their feelings and their interests; but you are destitute of all assistance, and you have not a single man about you who can direct you in any one question affecting the great body of the Catholics of Ireland. You may tell me that the Irish Catholics do not support you, and, therefore, you cannot promote them. But is not the fault your own. My hon. Friend the Member for the county of Lowth told you to-night the plain truth—that as long as you maintain Protestant ascendancy, so long no Roman Catholic of high spirit can support you You manifest your fatal policy in your exclusion of Catholics from Trinity College. I come to that question. Much has been said of the intentions of Queen Elizabeth, who, we are told, was an excellent Protestant. She was, I suppose—

"A very heathen in the carnal part,
But yet a sad, good Christian at the heart."

But we ought not to argue the charter of Elizabeth in the spirit in which Lady Hewley's will would be debated in the Rolls Court; and the Government by whom the Dissenters Chapel Bill was carried, ought not to indulge in any conjectures regarding the motives of Queen Elizabeth in granting a portion of the confiscated estates of the Earl of Desmond to the University of Dublin. It is clear that the charter does not state anything whatever of the Protestant purposes of the grant to Trinity College; and there is a remarkable passage in Lord Bacon's essay on the Queen's service in Ireland, from which it is to be inferred that Catholics were admitted to Trinity College; for Lord Bacon recommends the toleration of Catholics, and immediately after expatiates on the importance of "replenishing" Trinity College. He then goes on to say that the Irish should be treated with the utmost lenity—that no distinction between Englishmen and Irishmen should be made—and that the utmost attention should be paid to the education of the children of the Irish gentry. Lord Bacon said—

"It is true, what was anciently said, that a state is contained in two words—*præmium* and *pæna*—and I am persuaded if a penny in the pound, which hath been spent in *pæna*, without fruit or emolument to this State, had been spent *in præmio*, that is in rewarding, things had never grown to this extremity. The keeping of the principal Irish persons in terms of contentment, and generally the carrying on an even course between the English and the Irish, as if they were one nation, is one of the best medicines of that State; for other points of contentment, the care and education of their children, and the like points of comfort and allurement, they are things which fall within every man's consideration."

But, Sir, I own that I think this question is to be tried by a reference to public policy, by a regard to the great change which the country has undergone, and not by any presumption with respect to the motives of the original founders of Trinity College. The hon. Gentleman the Member for the University (Mr. Hamilton) entered into a detail of the great contributions to science and to literature which have been made by Trinity College. It was unnecessary. The names that shed

lustre on Trinity College are multitudinous and bright; and, for my part, so far from being disposed to detract from the reputation of Trinity College, I am surprised that a mere handful of men, like the Protestants of Ireland, should have produced, through Dublin College, so many great and glorious men; and I conclude, that if the benefits of the University were extended to the entire people, if the entire mind of Ireland were brought into cultivation, it would be fertile of such noble and distinguished products. I consider the exclusion of Catholics from the lay fellowships and scholarships of Trinity College as the consummation of injustice. I yesterday inquired, from a friend of mine, who had been a scholar of Trinity College, what had been the extent of his emoluments; and he informed me that he had been for five years a scholar—that during the whole of that time he had his rooms and his commons free from all charge—that he received 10*l.* a year for the first two years, and 40*l.* a year for the last three years. From these great advantages Catholic industry and Catholic erudition are excluded. I shall mention another fact, for facts are better than expatiations. Mr. Mulcaley—for I have no hesitation in mentioning his name—resides in Trinity College, where he has evinced singular ability in acquiring and communicating knowledge. He is a first-rate mathematician, and obtained an honour equivalent to that of senior wrangler in Cambridge; six of the Fellows of the College are his pupils; he is a Catholic, and had the manliness and the virtue to resist all the base allurements with which Protestantism is propagated in Ireland; and for his adherence to the religion in which he was born, and means to die, to the scholarships and fellowships of the University all access has been denied him. As long as you shall keep Trinity College closed, I shall not set the slightest political value upon your three provincial Colleges, which will be stamped with all the characteristics of mediocrity. How dwarf and stunted will be the groves of your new academies, when compared with the rich luxuriance in which Trinity College will be enveloped! You will make the supremacy of Trinity College even more conspicuous by the inferiorities with which it will be surrounded. It would have been far better to have applied 18,000*l.* a year to the creation of new fellowships and chairs in Dublin College, to which men of all religious denominations would have been eligible. You would then have got value—value in contentment, value in conciliation—for your money. That measure would have been large and comprehensive, and would have contributed to place Catholics and Protestants upon that level which, for the purposes of permanent pacification, is indispensably requisite. We insist upon equality, and you should not chide us for so insisting; for, in our place, you would nourish the feelings which it would be unworthy of us not to entertain. Not very long ago, in enforcing the policy upon which Ireland ought, and must at last be governed, I ventured to point to the great position occupied by the Prime Minister, and to say that he was placed upon such a moral height, that in looking on Ireland, he should take no narrow prospect; that nothing little should be discerned by him; that he should be superior to any party consideration; and that in contemplating great objects, he should be inspired by great motives. I will, for a moment, take the right hon. Gentleman down from that surpassing elevation, and instead of being a Prime Minister—instead of being an Englishman, nay, instead of being a Protestant, I will suppose him to have been born in that island which you have so long regarded as a mere provincial appurtenance to your vast dominion, and a professor of that religion which, for the purposes of degradation, was for centuries marked out. Suppose, then, that he were born, not an Englishman and a Protestant, but an Irishman and a Catholic, a native of that unfortunate country to which your fathers did such measureless wrong, but in which the sentiment of nationality never has been, and never will be, utterly extinguished; and furthermore, suppose that he, a member of that vast community of which he was so long the formidable, but always, I believe, the reluctant, and perhaps the remorseful antagonist; suppose he were a member of that community, whose growth, social, and political, and moral, since first he crossed the threshold of Dublin Castle, has been great beyond a parallel—that community by which obstacles once deemed insurmountable have been crossed, and by which, in its career of continued victory, the array of hostility that was marshalled against it has been so often scat-

tered and swept away, of which acquisition of liberty has been followed by so rapid an augmentation of power; which in wealth, in intelligence, in organized determination, has made advances so prodigious; and the future progress of which is as much beyond doubt, as its past progress is beyond revocation. Suppose, I say, that he belonged to those millions—those Catholic millions, who call themselves the people of Ireland, and who to that designation have proved their title; suppose that he belonged to those eight millions, with whom so many attributes of power are associated, and that he was animated by the feelings with which the consciousness of power must needs be combined: and suppose (for I have not done with my hypothesis), that the First Minister of the greatest Empire in the world, at the head of an overwhelming Parliamentary majority, baffled and discomfited in his enterprises of coercion, were to announce and to proclaim that force in the government of Ireland was powerless—that by force agitation could not be put down — that trial by jury was of little or no avail—that conciliation must be resorted to — and furthermore, suppose that the Ministers by whom those acknowledgments had been made were to turn to him, and to ask, "what would content him?" To that interrogatory — to such an interrogatory — what would be his answer? "Equality." I'll dare be sworn, it would be equality—political, official, ecclesiastical, academical — in all regards, "equality." You know, in your heart, you know that nothing else would satisfy you; in your heart's core you know that nothing else will satisfy or ought to satisfy us; and, I tell you, at the close of this, the fifth Session of your Parliament, that if you shall persevere in withholding it, your Government will be a series of frustrations—your half measures—your homœopathic remedies, will but aggravate the national distemper. You will cast oil upon flames—you will but excite and inspirit agitation—and at last, by fatal delays, by ruinous procrastination, by uncertainty of purpose, by letting, "I dare not wait upon—I would"—you will bring the country to such a pass that an outbreak will be inevitable—an eruption of the popular passions will appal you; the might of England will then be put

call peace, perhaps; but with tranquillity desolation will be associated; and you will convert one of the finest islands of the ocean into a solitude, in which, in the same grave the liberties, and the happiness, and all the hopes of one country, and the honour, and the virtue, and perhaps the greatness of the other, will be interred together.

Sir *R. Peel:* Sir, I trust the House will bear in mind what are the circumstances under which the right hon. Gentleman has made this impassioned appeal. What is the position in which we are now standing with respect to the question of Irish academical education, on which he says, to give satisfaction there must be perfect equality? As Minister of the Crown, I am speaking towards the close of a Session, in the course of which we have been prepared, in order to establish that equality, to run counter to the strong feelings—to the strong religious feelings—of the majority, I fear, of the people of this country. In order to do that which we believe to be consistent with justice—in order to do that which we hope will be acceptable to the Roman Catholics, we came forward with a proposition for the endowment, the liberal endowment, of that institution in which the Roman Catholic ecclesiastics of Ireland receive academical education. We attached no conditions whatever to the acceptance of that grant—we proposed no restrictions with which the most scrupulous and conscientious Roman Catholics could quarrel—we asked for no interference with their religious doctrines. In taking powers necessary for the government of that institution, where there could be a question about any interference with the doctrines or discipline of that Church, we committed that interference to Trustees, not appointed by the Crown, but elected by the free choice of the Roman Catholic bishops. To that institution we assigned a provision which was thought to be liberal, for the purpose of improving the edifice in which instruction was to be delivered. We made an annual provision for the purpose of improving the condition of those professors—men of learning, and, I believe, of great respectability, but heretofore miserably endowed, to whom the education of the Roman Catholic youth was entrusted. There was no question whatever about the amount of the grant. If we had had reason to believe that double the amount was necessary, I assure the right hon. Gentleman

even a fear of more inveterate opposition, should have deterred us from proposing it. The measure was accepted in Ireland in the spirit in which it was proposed. We held communications in regard to it with the Roman Catholic prelates—we had every reason to believe that, so far as the instruction of the Roman Catholic clergy was concerned, that measure would be received with perfect satisfaction, and with acknowledgments of gratitude. But we did not stop there. We wished to provide for the Roman Catholic youth of Ireland a secular education of the best description, and without stint. True, we have not appointed, by Act of Parliament, chaplains; but where is the difficulty in the way of the appointment of chaplains by the Roman Catholic bishops? The whole charge of the right hon. Gentleman is, that we have not endowed Roman Catholic chaplains. Now, is there in that any inequality? Have we permitted our natural prepossessions in favour of the Protestant Church, to give it in these new institutions any superiority? Not in the slightest degree. In these new institutions the principle of equality has been perfectly preserved. We have given the Catholics every facility for religious instruction. We have given them direct sanction and encouragement. We have admitted that secular instruction will be imperfect unless accompanied by religious instruction as its basis; but we have thought (it may be erroneously) that the best way of providing that religious instruction where there is so much jealousy of interference, was, to give every facility, but to call on parents interested in the moral culture of their children to provide the means, and to call on the respective Churches to give their aid in providing that education. The principle may be an erroneous one. It may be right that we should have endowed ministers of the respective creeds; but, at any rate, the principle of perfect equality has been preserved; and I must say, that it has been preserved for the first time. When I say "first time," I do not mean to apply those words in their common acceptation; but I mean to say, that it is unusual in any country where there is an Established Church to place on precisely the same footing ministers of creeds dissenting from that Church. Yet I hear to-night from the right hon. Gentleman, after all that has taken place in the course of the present Session, imputations on the Government, as if they had treated their Roman Catholic brethren with partiality and injustice. Why, for whom were these new Colleges intended? Who will derive benefit from them? In the north, the Presbyterians; in the south and the west, the Roman Catholics. You ask us to tie down the discrimination of the Government by an enactment. Do you think that the same spirit that presided over the foundation of those establishments will not induce the authors of the Bill to seek to found them on principles which shall be acceptable to the body for whom they are intended? Have we ever denied that the cordial co-operation of the Roman Catholics would be essential, almost, to their success? Do you think that we would lightly disregard any reasonable proposition which they should make? I refer now to the course which we pursued with respect to the Charitable Bequests Act; and I say that there was more real conciliation, more benefit derived from the conduct of the Executive in acting fairly, and unfettered by enactment, in carrying out that law, than if we had consented to your proposition, and had fettered ourselves by an enactment. I consider that true conciliation, and concert, and co-operation, are more likely to arise from the free action of the Executive Government in a friendly spirit, than from the introduction into laws of this kind of an enactment which leaves nothing for the discrimination of the Government. I maintain, then, that with regard to our conduct as to Maynooth, this is not the occasion when the right hon. Gentleman should tell us that the worst principle in our administration of Irish affairs was that we were afraid of fear. But I do not take this rhetorical display of the right hon. Gentleman as an indication of the real feelings of the Irish people. Whatever the right hon. Gentleman may say of the alienation of the Roman Catholics from the Government, I have very strong reason to believe, and I am proud to be able to state this to the House, that among the Roman Catholic laity of Ireland there is a strong feeling of approbation of the policy we have pursued, and a desire to support it. I was sorry to hear the speech of the right hon. Gentleman, because I know the use that will be made of it in this country. I know it will be said, "See what you have gained by your policy—see the effect of disregarding the fears and the opinions of your friends. What hope have you of making an impression on the Irish mind, when, after all you have done and all you

have encountered, the leading Roman Catholic of the House of Commons gets up and tells you that unless you go ten times further, the Irish people will be guilty of insurrection?" Sir, those are not the feelings of the Irish people. We do believe that we have made an impression on the Irish mind—not a perfect one, I admit, but an impression. It is easy to say, "Why don't you remove at once all these causes of ill-feeling?" It is very easy for us to make speeches in the House of Commons, and overlook all the difficulties which must encompass and do encompass the course of any Government—whether the noble Lord opposite be at its head or myself in conducting Irish affairs. I have always felt, I always admitted, those difficulties; but notwithstanding the speech of the right hon. Gentleman, I say to the people of England, "Persevere in the course you have adopted—disregard the angry speech which an eloquent man has made—depend on it that a course of justice, of forbearance, of indulgence, will make a proper impression, and you will, sooner or later, reap the fruits of such a policy." And, Sir, nothing deterred by the speech of the right hon. Gentleman, I am perfectly satisfied with the results of the policy we have adopted. Sir, I repeat that we have made those liberal allowances for Maynooth, and for the advancement of secular education in the west and south of Ireland; but we are not prepared to relinquish Trinity College, Dublin. That College is possessed of, I believe, a revenue of about 25,000*l.* a year, a less amount of independent revenue, as distinguished from that derived from fees for education, than that which has just been assigned to Maynooth; assigned permanently, so as to place it beyond the control of an annual grant, partly that it may no longer be the source of annual irritation and religious excitement, and partly that we might by so doing imply our confidence in the Roman Catholic body. We find that Trinity College, Dublin, is an institution where almost all the ministers of the Church of Ireland receive their education, founded by Queen Elizabeth, and intended, at its foundation, for the promotion of the interests of the Established Church; for although in the original charter of Queen Elizabeth there is no express reference to the disqualification of the Roman Catholics, nor any condition in terms expressive of a connexion between the College and the Protestant Establishment; yet if you look at the laws which were in force at the time when the institution was founded, and the proposals which immediately preceded it, when, I think, the Lord Deputy proposed that St. Patrick's or Christ's Church should be converted into a College, can you doubt that, whatever may be the words of the charter, or whatever may be the view entertained as to the moral and religious education, in intention and spirit it was meant to be a College in connexion with and for the promotion of the Protestant religion? At least for more than 200 years Trinity College has been practically in immediate connexion with the Established Church. And yet the right hon. Gentleman says we are violating the principle of equality because we don't open the scholarships and fellowships of Trinity College to the Roman Catholics. I will say nothing now as to the propriety of improving the system of education at Trinity College. I think that, with regard to all such institutions, if you maintain the objects for which they were originally founded, the more extensive you can make them, the better for their stability and credit, and for the public good. Sir, I wish that on both sides of the House we could take more comprehensive views than mere academical ones in discussing this question. I think it will be a great advantage to improve the education at Maynooth, and increase the means of secular education generally in the south and west of Ireland. I think that, abstractedly speaking, to do this will be to confer a benefit on the people of Ireland. But this I look for from this measure, that independently of the academical advantages it will confer, I do fondly trust it will be the foundation of an improved feeling between those who have hitherto been separated by religious differences. When thousands of petitions were brought up in this House, emanating, I admit, from the religious feeling of this country, when I saw those petitions brought up which indicated the Protestant feeling of this country, I was, I admit, proud to be able to state that the Protestants of Ireland did view the Members of Her Majesty's Government, generally speaking, in a different spirit, and with satisfaction, on account of their sympathy with the condition of their Roman Catholic fellow-countrymen. Indeed, I hardly believed it possible that the measures of the Government would have met with so little opposition on the part of the Protestant body. I believe also that the

course which has been pursued has tended to improve the social relations between the Protestants and the Roman Catholics. I will take Galway, from which county I presented a petition. That is, perhaps, the most Roman Catholic county in Ireland, but comprising many Protestant Dissenters; but there has been at all times less acerbity of religious feeling there than in almost any other part of Ireland. There has been on the part of the higher classes a desire to live together in peace and amity, and their example has extended to the lower orders; and the consequence is, that there has been less of feud and animosity in Galway than any other part of Ireland. Sir, I presented a petition in favour of the measures of Government from that county, to which the names of Mr. Daly, Mr. St. George, and of other Protestants, who had the strongest feeling in favour of their own religion, but who expressly approved of the course Her Majesty's Government had taken. To that petition was also appended the name of the Roman Catholic warden of Galway; and ecclesiastics and laity came forward with their joint approval of the measure which the Government had submitted to this House. But if, after having endowed Maynooth and founded these Colleges, we had declared our intention of relinquishing Trinity College, Dublin also, do you suppose that the social harmony which prevails in Galway and other parts of Ireland would have been continued? Sir, I utterly deny the charge of the right hon. Gentleman, that the Government have treated the Roman Catholic body on any other footing than that of equality, when we endow Maynooth and establish these Colleges, and at the same time maintain, for Trinity College that Protestant character which has been impressed on it for 200 years. With regard to the Amendment itself, it appears to me in its wording hardly worthy of the able speech which introduced it. It is more confused and unintelligible than might have been expected from the hon. Member. The object of the hon. Member seems to be to destroy the Protestant character of Trinity College; but the language in which he stated his wish is rather confused and unintelligible. He says, "and whether the funds may not be beneficially extended"—[Mr. *Osborne:* By an additional grant.] By an addition to the funds of the College; and by whom provided? How does the hon. Member reconcile this recommendation with what he said about our putting our fingers into the Consolidated Fund? Surely the hon. Gentleman must have been aware that the hon. Member for Montrose has left his place, or he would not have ventured such a suggestion. What has become of "the pool of Bethesda," into which all the lame and maimed institutions of Ireland were to be dipped, as he was pleased to describe the Consolidated Fund? It appears now that the hon. Member does not wish you to diminish the charge on the Consolidated Fund by applying the funds of Trinity College to the new institutions; but you are to charge the Consolidated Fund in order to increase the revenue of Trinity College. The inquiry is to be made "with a view to ascertain whether the income or funds at present applied solely to the benefit of Protestants in Trinity College, Dublin, might not be beneficially extended so as to make Roman Catholics and Protestant Dissenters eligible, if otherwise qualified, to all scholarships," &c. How can the extension of the funds make the Roman Catholics eligible? [Mr. *Osborne* was understood to say that he had not drawn up the Resolution.—Mr. *Sheil:* They are at the same time to be made eligible.] Perhaps the right hon. Gentleman claims the parentage of the Resolution. Has the hon. Gentleman (Mr. Osborne) the face to ask us to vote for a Resolution which I have shown to be inexplicable, and which when pressed for explanation he himself is obliged to disclaim? I had a great many other questions to ask as to the meaning of the Resolution; but, after the frank avowal of the hon. Gentleman that he is not the author of it, and that he cannot explain it, I will spare him the torture which I was about to inflict. I must say, however, that it shows how good a critic I am, that having heard the speech of the hon. Member, and admired it for its ability and lucid brevity, I ventured to say that the man who had made that speech could not possibly have drawn up the Amendment. With respect to the measure itself, and to the speech of the right hon. Gentleman the Member for Dungarvon (Mr. Sheil), the right hon. Gentleman referred to the part which I have taken in relation to Roman Catholics of Ireland. He has said that I for a long time offered opposition—not an intemperate opposition—to the claims of the Roman Catholics, and that I afterwards felt it to be my duty to bring

forward a measure for a complete and unqualified removal of all the disabilities under which they laboured. He has done justice to the motives by which I was actuated. I was well aware of the sacrifice I must incur by taking that course. I was well aware that I must not only forfeit the representation of that University, to be the Representative of which was my chief pride, but that I must incur the risk of alienating friends in whose esteem and confidence I placed the utmost value. I took that course when I was convinced that my co-operation was indispensable to the success of that measure; and I assure the right hon. Gentleman now, that there is no sacrifice which I would not make—so much importance do I attach to the subject—there is no sacrifice, however great or however lasting, which I would not make, if, acting with justice towards Protestants and Roman Catholics, I could contribute to the establishment of social peace and harmony in the country to which he belongs.

Sir *V. Blake* was understood to say that the petition from Galway, to which the right hon. Baronet had referred, was not signed by the Catholic warden of Galway, because there was no such individual.

Sir *R. Peel* asked whether the hon. Baronet did not call upon him with a petition from Galway, stating that the petitioners were anxious that Galway should be one of the seats for the new Colleges?

Sir *V. Blake* admitted that he called upon the right hon. Baronet to recommend that Galway should be one of those seats. The right hon. Baronet would probably recollect that, before the announcement of the intention of the Government to found these Colleges was made public, he took the opportunity of communicating to the right hon. Baronet certain measures by which great advantages would accrue to Ireland. [Sir *Robert Peel:* A ship canal!] Yes, and also from the establishment of Colleges, and he still hoped that Galway would have a University, although he confessed he did not now expect those advantages from any such institution which it would confer if it were based more on religion.

Colonel *Sibthorp* said, he felt it his duty as a Protestant to oppose the Amendment proposed by the hon. Gentleman opposite. He admitted that the time might come when the right hon. Baronet at the head

to give up Trinity College, Dublin, as he was to bring forward the Maynooth Bill and other measures. Indeed, no course which the right hon. Baronet should adopt would surprise him. These things the right hon. Baronet did upon what he called the principle of expediency, but which he would call disgraceful subserviency. He had lost all confidence in the right hon. Baronet, who had abandoned all those measures to which he had promised to adhere. He would take his course as a sincere Protestant, leaving it to the right hon. Baronet to adopt principles half Roman Catholic, and which might be half Mahometan.

Lord *John Russell:* The right hon. Baronet (Sir Robert Peel) has hardly treated fairly the argument of my right hon. Friend (Mr. Sheil). My right hon. Friend, as a Roman Catholic, says, "Let us in Ireland have equality." A very fair object for any Roman Catholic and for any Irishman to look to. It was promised—solemnly promised at the Act of Union, and you have never denied—no party has ever denied—that equality is due to the Roman Catholics of Ireland. If that be your principle, so solemnly asserted, let us look with regard to any measure brought before the House, and see whether in respect to that measure equality is given to the Roman Catholics of Ireland. This is a question of academical education. I admit there are great merits in this Bill—great merits, as it tends to promote education in Ireland, and tends to give liberal encouragement to the means of instruction among the commercial and middle classes of that country. I think it has great merit in being entirely free from any religious test. I think that is a distinguishing feature of the Bill, which I am happy to acknowledge. But when I come to consider what will be the state of academical education in Ireland when this Bill has passed, comparing Roman Catholics with Protestants, the case will be this. With respect to clerical education, you may say that Trinity College is a place for the ecclesiastical education of Protestants; and that Maynooth is a place for the ecclesiastical education of Roman Catholics. So far there is an apparent equality. But when I come to consider the means for the general education of the higher classes in that country—I mean an education for the learned professions with a view to obtain-

studies of a different nature—we then find what I believe to be the true description, as given by the right hon. Gentleman opposite (Mr. Shaw), namely, that for the Roman Catholics you establish a certain number of Colleges suitable for the middle classes, which are open to all, and at which persons intending to devote themselves to commercial pursuits, to civil engineering, and professions of a similar nature, may obtain a good education; but with respect to a higher kind of education, you find that that is solely to be obtained in the University of Dublin, and that the University of Dublin is presided over by a body which is exclusively Protestant. Nay more, you find that even those scholarships which are intended for promoting the advancement of students in their future career, are confined in all cases to Protestants; and that with regard to professorships, such as chemistry and botany, Protestants only can be appointed to them. Here, at once, is not equality. You have not made a provision for giving to the Roman Catholics that which you have given to the Protestants. That inequality might be remedied in two ways. You might have a separate institution for Roman Catholics, and give that institution as rich an endowment as Trinity College possesses. That would be equality. But you do not adopt that course. I do not quarrel with you for that. But another way to remedy the inequality that exists is to open Trinity College, Dublin—all of it which is not of an ecclesiastical nature, but merely secular—to the Roman Catholics of that country. The right hon. Baronet has not therefore answered the speech of my right hon. Friend (Mr. Sheil) by comparing Maynooth with Trinity College, instead of stating, as is the fact, that Trinity College would still remain the only place where persons belonging to the higher classes can obtain collegiate degrees. This being the case, my right hon. Friend is perfectly justified in saying, that the Roman Catholics will not be satisfied until real equality is obtained. That is the case with regard to academical education; and so it is with regard to every other object. The right hon. Baronet says, that there are other difficulties in the way. There are difficulties in the way of every Government, I am well aware. One of the difficulties which the present Government has to encounter is their former acts and conduct. But, if they were determined to do that which I think they ought to do, namely, to tell the people of England that Ireland will not, and ought not, to be satisfied without equality, and if they will work that proposition out, whether it be as regards academical education, or whether it be as regards ecclesiastical education, or whether it be as regards political or civil privileges, I think, all these difficulties would very soon vanish before their sight. The people of England would see the justice of that policy. They do not so easily see the justice of a proposition which comes piecemeal before them. They do not see the advantage of endowing Maynooth solely for the education of Catholic priests; they do not see the advantage of a system of education from which religion is totally excluded. These propositions coming singly before them do not strike them with the force that they would do, if you were to bring the whole condition of Ireland before this House and the country, and were to say that you are determined to act according to the principles of justice. The right hon. Baronet finds fault with my right hon. Friend, because he is not satisfied, and because he is not prepared to go back to Ireland quite pleased, and willing to tell his constituents how kind and beneficent the English Parliament has been to them. But unless you can prove that your propositions are intended to comply with the promises made at the time of the Union; and unless, too, you can prove that the Roman Catholics of Ireland have had full justice done them, although they may, in respect to individual measures, say, "This is an advantageous measure, and may be a benefit for Ireland," yet they would not act with sincerity if they did not at the same time say, "But do not suppose that we shall be satisfied until perfect equality is established between Catholic and Protestant." With respect to the present, without confining myself to the words of the hon. Gentleman's proposition, I am quite willing, Sir, that the words contained in the Motion you are about to put, be left out, for the purpose of submitting some proposition for opening Trinity College to Roman Catholics. It is the only way left, after the manner in which these institutions have been determined upon by the Government. With regard to the Bill

itself, I shall cheerfully give my vote for the third reading, although it is by no means a perfect measure, and although I still think it wants much to make it complete. But seeing its liberal character, and seeing that it is entirely free from all religious tests, and that you do not intend to inflict that injustice upon Ireland which you seem so resolutely determined to maintain in this country, I shall give it my support.

The House divided on the Question, that the words proposed to be left out stand part of the Question :—Ayes 168 ; Noes 91 : Majority 77.

List of the AYES.

Acland, Sir T. D.
A'Court, Capt.
Acton, Col.
Adderley, C. B.
Antrobus, E.
Archdall, Capt. M.
Arkwright, G.
Astell, W.
Baillie, Col.
Baird, W.
Balfour, J. M.
Barkly, H.
Baring, T.
Baring, rt. hon. W. B.
Barrington, Visct.
Bateson, T.
Benbow, J.
Bentinck, Lord G.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H.
Cardwell, E.
Carew, W. H. P.
Chelsea, Visct.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Cole, hon. H. A.
Coote, Sir C. H.
Corry, rt. hn. H.
Cowper, hon. W. F.
Cripps, W.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Duncombe, hon. A.
Duncombe, hon. O.
East, J. B.
Eastnor, Visct.
Emlyn, Visct.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Forman, T. S.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greene, T.
Grimston, Visct.
Hale, R. B.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Harris, hon. Capt.
Henley, J. W.
Herbert, rt. hn. S.
Hope, Sir J.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Hussey, A.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
Jocelyn, Visct.
Jones, Capt.
Kemble, H.
Ker, D. S.
Lefroy, A.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lowther, Sir J. H.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
McNeill, D.
Manners, Lord C. S.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Mundy, E. M.
Nicholl, rt. hn. J.
Norreys, Lord
Packe, C. W.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Pringle, A.
Pusey, P.
Rashleigh, W.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Rous, hon. Capt.
Rumbold, C. E.
Sanderson, R.
Scott, hon. F.
Seymour, Sir H. B.
Shaw, rt. hn. F.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Spooner, R.
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, E.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Tyrell, Sir J. T.
Vernon, G. H.
Vivian, J. E.
Waddington, H. S.
Wellesley, Lord C.
Wood, Col. T.
Wortley, hon. J. S.
Wortley, hn. J. S.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Archbold, R.
Baine, W.
Bannerman, A.
Barnard, E. G.
Berkeley, hon. Capt.
Blake, M. J.
Blake, Sir V.
Bouverie, hon. E. P.
Bowes, J
Bright, J.
Brotherton, J.
Butler, P. S.
Byng, G.
Byng, rt. hn. G. S.
Carew, hon. R. S.
Chapman, B.
Christie, W. G.
Colborne, hn. W. N. R.
Collett, J.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Denison, J. E.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Dundas, F.
Ebrington, Visct.
Ellice, E.
Esmonde, Sir T.
Etwall, R.
Ewart, W.
Forster, M.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Hallyburton, Ld. J. G.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hill, Lord M.
Hindley, C.
Howard, P. H.
Hutt, W.
Jervis, J.
Lambton, H.
Langston, J. H.
Lemon, Sir C.
Leveson, Lord
Listowel, Earl of
McTaggart, Sir J.
Mangles, R. D.

Martin, J.
Mitcalfe, H.
Mitchell, T. A.
Moffat, G.
Morris, D.
O'Brien, J.
O'Brien, W. S.
O'Connell, M. J.
Ord, W.
Oswald, J.
Paget, Col.
Palmerston, Visct.
Pattison, J.
Philips, M.
Plumridge, Capt.
Ponsonby, hn. C. F.C.
Rawdon, Col.
Redington, T. N.
Ross, D. R.
Russell, Lord J.
Scott, R.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, J. A.
Smith, rt. hn. R. V.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Stewart, P. M.
Stuart, Lord J.
Towneley. J.
Tufnell, H.
Wakley, T.
Warburton, H.
Wawn, J. T.
Williams, W.
Yorke, H. R.

TELLERS.

Oswald, Capt.
Bellew, R. M.

On the main Question being again put,

Sir *R. H. Inglis* stated, that it was made a boast, that now, for the first time, an institution, founded by the State, had been established without any regard to religion. Her Majesty's Government would either fail in making a system of education without religion in Ireland, or the professors would circulate their own peculiar doctrines. He moved that the Bill be read a third time that day three months.

Viscount *Ebrington* could not find for what class of students these Colleges were designed, or whom they would benefit, and not having any confidence that the Government would conduct them satisfactorily, must vote against the Bill. On these grounds he should support the Amendment.

Mr. *Speaker* said, that the Amendment could not be put in its present form.

Sir *R. Inglis*; Then I shall content myself with giving a simple negative to the proposition.

The House again divided on the Question that the Bill be now read a third time:—Ayes 177; Noes 26: Majority 151.

List of the AYES.

Acland, Sir T. D.
A'Court, Capt.
Aglionby, H. A.
Archbold, R.
Astell, W.
Baillie, Col.
Baine, W.
Baird, W.
Balfour, J. M.
Barkly, H.
Baring, T.
Baring, rt. hon. W. B.
Barrington, Visct.
Bateson, T.
Bellew, R. M.
Benbow, J.
Bentinck, Lord G.
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowes, J.
Bowles, Adm.
Brisco, M.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Byng, rt. hn. G. S.
Cardwell, E.
Carew, hon. R. S.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chapman, B.
Chelsea, Visct.
Christie, W. D.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Cockburn, rt. hon. Sir G
Collett, J.
Coote, Sir C. H.
Corry, right hon. H.
Craig, W. G.
Crawford, W. S.
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Denison, J. E.
Denison, E. B.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Dodd, G.
Douglas, Sir C. E.
Duncan, Visct.
Duncombe, hon. A.
East, J. B.
Emlyn, Visct.
Entwisle, W.
Escott, B.
Ewart, W.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Flower, Sir J.
Forster, M.
Fremantle, rt. hn. Sir T.
Gaskell, J. M.
Gibson, T. M.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Gore, hn. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grimston, Visct.
Hale, R. B.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Harris, hon. Capt.
Hawes, B.
Herbert, rt. hn. S.
Hollond, R.
Hope, Sir J.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Howard, P. H.
Hughes, W. B.
Hussey, T.
Hutt, W.
Ingestre, Visct.
Jermyn, Earl
Jervis, J.
Jocelyn, Visct.
Jones, Capt.
Lambton, H.
Lemon, Sir C.
Lennox, Lord A.
Liddell, hon. H. T
Lincoln, Earl of
Listowel, Earl of
Lockhart, W.
Lowther, Sir J. H.
Mackenzie, W. F.
M'Neill, D.
Mangles, R. D.
Manners, Lord C. S.
Martin C. W.
Meynell, Capt.
Mildmay, H. St. J.
Mitcalfe, H.
Mitchell, T. A.
Moffatt, C. G.
Mundy, E. M.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
Ord, W.
Packe, C. W.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Phillips, M.
Plumridge, Capt.
Ponsonby, hon. C. F.
Pusey, P.
Rawdon, Col.
Redington, T. N.
Repton, G. W. J.
Rolleston, Col.
Ross, D. R.
Rous, hon. Capt.
Rumbold, C. E.
Russell, Lord J.
Sanderson, R.
Sandon, Visct.
Scott, hon. F.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Smith, J. A.
Smith, rt. hn. T. B. C
Smythe, hon. G.
Smollett, A.
Somerset, Lord G.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Stewart, J.
Stuart, Lord J.
Sutton, hon. H. M.
Tennent, J. E.

Thesiger, Sir F.	Warburton, H.
Towneley, J.	Wawn, J. T.
Trench, Sir F. W.	Wellesley, Lord C.
Trevor, hon. G. R.	Williams, W.
Trollope, Sir J.	Wortley, hon. J. S.
Tufnell, H.	Wortley, hon. J. S.
Tyrell, Sir J. T.	Yorke, H. R.
Vernon, G. H.	
Vivian, J. E.	TELLERS.
Wakley, T.	Young, J.
Walsh, Sir J. B.	Baring, H.

List of the NOES.

Adderly, C. B,	Henley, J. W.
Archdall, Capt. M.	Hornby, J.
Arkwright, G.	Kemble, H.
Bramston, T. W.	Lowther, hon. Col.
Broadley, H.	O'Brien, W. S.
Buck, L. W.	O'Connell, M. J.
Buller, Sir J. Y.	Rashleigh, W.
Carew, W. H. P.	Richards, R.
Clive, Visct.	Sibthorp, Col.
Dickinson, F. H.	Spooner, R.
Duncombe, hon. O.	Waddington, H. S.
Ebrington, Visct.	
Estcourt, T. G. B.	TELLERS.
Fitzmaurice, hon. W.	Inglis, Sir R. H.
Fuller, A. E.	Hope, A.

Bill read a third time and passed.

MERCHANT SEAMEN'S FUND.] Order of the Day for receiving the Report of the Merchant Seamen's Fund Bill in order to be postponed.

Sir *Howard Douglas* said, as the Mover of the Resolution embodied in the Report for the postponement of this Bill, he would, with the permission of the House, say a few words in reply to the reference made to him. The Resolution which he proposed was seconded by his hon. Friend the Member for London (Mr. Lyall), and vigorously supported by another hon. Member, now no more, whose untimely death this House must lament, his Friends mourn, and the mercantile marine of this country might justly deplore. So sustained, the Resolution was agreed to by a large majority; and he (Sir Howard Douglas) hoped that Her Majesty's Government would give effect to that Resolution, by moving the postponement of this Bill till the next Session of Parliament. Having been a member of the Merchant Seamen's Fund Committees of the last and the present Session, he had ample means and opportunities of considering, deeply, the important subject of forming a Merchant Seamen's Fund, adequate to the wants and necessities of the mercantile marine. He objected to the present Bill, because it was, in principle, unjust, and injurious to the shipping interest and to the seamen themselves belonging to the Port of Liverpool and other great ports extensively concerned in the Foreign and Colonial trade, as well as many others; and because it would sacrifice their interests to those of minor and less well managed ports; and because by amalgamation of the funds, the rates of pension for merchant seamen would be reduced to one scanty rate of uniform inadequacy. This Bill would abolish local funds; deprive first-rate ports and many others, of the superior advantages which they now possessed in an exclusive management of their own funds, and take from them the means and the power of providing for the widows and children of seamen. But very imperfectly should they discharge their duty to the mercantile marine of this country, the true basis of its commercial and naval power, if they did not devise some more comprehensive measure, by which a fund might be formed, sufficient to provide for the relief and support of merchant seamen, their widows and children, upon an adequate scale, worthy the munificence of this country; to raise generally the condition of British merchant seamen, and hold out additional inducements to them to remain in the service of their own country, instead of wasting their youth and their strength under the flag of Foreign States, returning only when worn out, to seek in their own land, provision for old age, from funds too scanty for the relief and support of those who devoted their use and strength to the service of the British marine. Such a comprehensive measure might, he (Sir H. Douglas) thought, be devised. He was not prepared to indicate the sources from which its means might be drawn, nor to detail the process or machinery by which such a measure might be carried out. This however, he would say, that he relied on the public spirit and liberality of that great shipping and trading community, of which he had the honour to be one of the Representatives, that they would cordially and liberally co-operate with the shipowners of the United Kingdom, generally, with a view to devise some comprehensive measure that might really be adequate to the great and important objects in view, deserving the favourable consideration of Her Majesty's Government, and which he hoped would be met by the liberality of that House, as he was sure it would with the universal approbation of the country. That he had not overrated the public spirit and liberality of that great

shipping community with which he had the honour to be connected, he would request the permission of the House to read a passage from the Report of the proceedings of a Meeting of the Committee of the Shipowners' Association of Liverpool, expressly assembled to take into consideration the course which he (Sir Howard Douglas) had taken with respect to this Bill, and with reference to the Motion of which the hon. Member for South Shields had given notice, to recommit that Bill. That meeting came unanimously to the following resolution:—

"This Committee, therefore, earnestly request Sir Howard Douglas to persevere in his intention to meet Mr. Wawn's proposal by a direct negative, authorizing Sir Howard, at the same time, to assure Her Majesty's Government of the entire readiness and anxious wish of this Committee, to concur in any well matured and comprehensive proposal, for ameliorating the condition of the seaman; tending, while in health and strength, to improve his condition, and to retain him in the service of his own country, and to increase the provision made for him when old or disabled—objects which this Committee are prepared to recommend to the shipowners at large, even at the price of submitting to further taxation themselves."

He (Sir Howard Douglas) had read this resolution to the House with pride and satisfaction; and in the admirable terms in which it was expressed, he would appeal to the shipowners of the United Kingdom generally, to meet cordially the invitation which this resolution held out, and would earnestly recommend to the favourable consideration of Her Majesty's Government to meet, in that spirit, any such practicable and comprehensive proposition as the great body of the shipping interest of the United Kingdom might be prepared to suggest, on a future occasion, with a view to the adoption of such a comprehensive measure as that indicated in the Report now under consideration, in lieu of proceeding with this Bill.

Sir *G. Clerk* regretted the necessity for postponement, but hoped that during the recess a more comprehensive measure might be devised.

Further consideration of the Report postponed till next Session.

House adjourned at two o'clock.

HOUSE OF LORDS,

Friday, July 11, 1845.

MINUTES.] BILLS. *Public.*—1ª. Field Gardens.
2ª. Law of Defamation and Libel Act Amendment.
3ª. and passed:—Documentary Evidence; Real Property (Lord Chancellor); Seal Office Abolition.
Private.—1ª. Brighton and Chichester Railway (Portsmouth Extension); Guildford, Chichester, and Portsmouth Railway; Glasgow, Barrhead, and Neilston Direct Railway; Direct London and Portsmouth Railway.
2ª. Preston and Wyre Railway; Runcorn and Preston Brook Railway; Norwich and Brandon Railway (Diss and Dereham Branches); Glasgow Junction Railway; Bermondsey Improvement; Londonderry and Coleraine Railway.
Reported.—Middlesbro' and Redcar Railway; Waterford and Limerick Railway; Dublin and Drogheda Railway; Newry and Enniskillen Railway; North Union and Ribble Navigation Branch Railway; Irish Great Western Railway (Dublin to Galway); Cromford Canal; Reversionary Interest Society.
3ª. and passed:—Cork and Bandon Railway; Lynn and Dereham Railway; Glossop Gas; Great Southern and Western Railway (Ireland); Cockermouth and Workington Railway; North Walsham School Estate (Lord Wodehouse's).
PETITIONS PRESENTED. From Stockholders and others of the Colony, residing at Maneroo, for Alteration of Law relating to Territorial Revenue and Disposal of Land (New South Wales).

PRIVILEGE.] The *Lord Chancellor* laid upon the Table the Report from the Committee appointed to search for Precedents in reference to the petition of Thomas Baker for Protection. Read, and ordered to lie on the Table; and to be *printed.*

The Duke of *Richmond* would now move that Thomas Baker be called to the bar, to deliver in the declaration he had received.

The *Lord Chancellor* stated the course he would recommend: The Report was of some length, and it would be some time before it could be printed, and in the hands of their Lordships. He would merely now call the petitioner before them to identify the transaction; after which the plaintiff and his attorney, if their names could be ascertained, should be ordered to attend on Monday. By that time the Report would be printed, and before any other step, such as calling them to the bar, was adopted, there might be a discussion; and those noble Lords who dissented from the course proposed might state their objections.

Lord *Campbell* entirely approved of the course proposed by his noble and learned Friend.

Lord *Radnor* had no objection to the course, except that when the petition was presented, a Committee had been appointed to search for precedents; and now, when the Report had only been handed in, and not printed, they were called upon to take a step.

The *Lord Chancellor* did not consider

this a step by which the House would commit itself.

Lord *Brougham* did not object to calling in the petitioner, which was a very different matter from calling the plaintiff and his attorney before them.

Thomas Baker was then called in, and examined by the LORD CHANCELLOR.

Were you examined before a Committee of this House in the month of April of last year?—Yes.

What was that Committee?—A Committee to inquire into the Gaming Laws.

Were you aware that that Committee was appointed to inquire into the laws affecting gaming?—Yes.

Did you give evidence before that Committee?—I did.

Have you since been served with a declaration in any suit, or with a copy?—I received one, which is now in the hands of my attorneys.

Is your attorney in attendance?—Mr. Barnes is here.

Will you ask him for the declaration? Is that the declaration?—Mr. Barnes informs me it is the copy of one filed against me in the Court of Queen's Bench.

Have you read it?—It has been read to me by the clerk of Mr. Lyons.

Does the statement in the declaration correspond with the language used by you before the Committee?—It don't make use of the whole language made us of before the Committee.

By Lord BROUGHAM.—Do you find any of your evidence before that Committee made use of?—Some of it.

By the LORD CHANCELLOR.—In the declaration do you find those words of yours charged?—Yes.

Do the words charged correspond with part of the evidence given by you before the Committee?—Yes.

Did you ever before any other Committee make precisely the same statement as is contained there?—Not precisely the same.

By Lord BROUGHAM.—Did you make anything like the same statement?—Not with respect to him.

Not with respect to Mr. Harlow?—No.

Never?—Never.

By the LORD CHANCELLOR.—Did you make any statement with regard to him except that to which you were sworn, and before a Committee of the House?—Never.

Is that a copy of the declaration which was delivered?—Yes.

By Lord BROUGHAM.—Did you say anything with respect to Mr. Harlow except before this Committee?—No.

By Lord CAMPBELL.—Have you any doubt that this action is brought for the evidence given by you?—I believe it is solely brought for that evidence.

Do you know the names of the plaintiff's solicitors?—Messrs. Ward and Harbin.

What solicitors do you employ?—Messrs. Lyons, Barnes, and Ellis.

Are they in attendance?—Mr. Barnes is.

Then Mr. Barnes was called in, and examined by his Lordship.

Did you receive a declaration of the plaintiff in this suit?—No; it was filed by the plaintiff's attorney, and taken out by my clerk.

Is that a copy?—That is the original.

Who is the plaintiff's attorney?—Mr. Peter Tait Harbin.

By Lord BROUGHAM.—How did you know it was filed?—Notice was served on the defendant.

By Lord CAMPBELL.—With a notice to plead?—Yes.

By Lord BROUGHAM.—What notice?—Eight days. The declaration was filed on the 7th of July.

By the LORD CHANCELLOR.—Do you know where the plaintiff's attorney lives?—The address on the back of the writ is 16, Clement's Inn.

Thomas Baker was recalled, and examined by the LORD CHANCELLOR.

Do you know where the plaintiff lives?—Yes, my Lord, in Leicester Square.

By Lord BROUGHAM.—What number?—16.

What sort of a shop does he keep?—A tobacconist's.

Thomas Baker and the other parties in attendance were then ordered to withdraw.

The *Lord Chancellor* then moved, that Peter Taite Harbin and John Harlow do attend their Lordships' House on Monday next.

Lord *Brougham* would not at this stage of the proceeding take an objection to the course suggested, which, however, was not the same matter of course as that of calling the petitioner before them. He purposely abstained from raising the question at that moment; and he trusted that those who agreed with him would also abstain; and he would take such objection as he might be advised, if any further proceeding should be urged against the plaintiff, or if he should be called to the bar. The present, however, was a material step, and he should content himself with protesting against it.

The *Lord Chancellor* also reserved his opinion, and upon the same grounds. Their Lordships could not be properly prepared to discuss this question till the Report of the Committee should be printed;

but for the purpose of saving time, he proposed that the parties should be ordered to attend.

The Marquess of *Clanricarde* had not had the good fortune of attending the Committee, as he had been obliged to attend a Railroad Committee; but it now appeared that no inconvenience would have been felt if the House had proceeded last night in the straightforward course he had suggested. The same course they were now about to take could have been taken yesterday, and the House might have taken it whether they had found a precedent or not. It was a gratification to him, as he had entered a Protest on the Journals against the step taken yesterday, that the opinion he had recorded had now met with unanimous approval.

Motion agreed to, and

The *Lord Chancellor* moved that the Lords be summoned.

Lord *Campbell* was so delighted at the turn the matter had taken, that he would not charge their Lordships with inconsistency, though they were no doubt reversing their decision of last night.

Lord *Stanley* said, there was this material difference in the two courses; last night it was moved that the parties be summoned to the bar, when they had not determined what to do; whereas now they had the advantage of precedents.

After a few words from Lord *Brougham*,

The Duke of *Wellington* said, the great difference in the position of the House that evening, and the position last evening, was this:—a petition was presented by the noble Duke sitting on the cross-benches yesterday evening: he (the Duke of Wellington) for one, believed every word contained in that petition: but they were in a different position that night as a House of Parliament. He last night believed in the statements of the petition, as the noble Duke had vouched for them; but that night they had evidence before them on oath, that this man had given evidence before the Committee; that the evidence was the same as the words contained in the declaration, and that he had never stated anything respecting these matters anywhere else. Therefore this declaration must have reference to the evidence given before a Committee of their Lordships' House, and to nothing else. That was the difference of the situation in which they stood that night; and he thought it would turn out that the plaintiff who had filed this declaration would rather find himself in a difficulty.

Motion agreed to.

Railways and the Board of Trade.] The Earl of *Dalhousie* laid upon the Table of the House a Minute of the Lords of the Committee of Privy Council for Trade, dated the 10th day of July, 1845, relative to the constitution and mode of proceedings of the Railway Department of the Board of Trade. As the subject was one of considerable importance, he felt himself called on to state shortly, the alteration which it was intended to make, and the grounds upon which they proceeded. Their Lordships would recollect that, at the commencement of the last Session, a Committee had been appointed by the other House for considering the subject of Railway Legislation generally. That Committee sat for many months, and made a very full Report on various matters connected with railways. Upon one point in particular, it reported very fully—viz., the degree of supervision which the Government ought to exercise over schemes before they were brought under the consideration of Parliament. That Report was laid before the House, and adopted, and the Government proceeded to carry into effect its recommendations. It had now become necessary for the Government to consider what provisions should be made for the future conducting of railway schemes. They had found that the circumstances connected with the subject differed materially from those which existed at the beginning of last Session. Having maturely considered the question, and having due regard to the constitution and operations of the Committee of the House of Commons, and to the feeling which had been evinced by Parliament in the course of the present Session, the Government had come to the conclusion, that the Board of Trade should not, in future, prepare or submit to Parliament any Report upon the merits of railway projects. But in relinquishing this function of reporting upon the merits of schemes, previously to their being considered by Parliament, their Lordships must not be induced to consider that the Board had failed in the object for which it had been instituted. He had seen it stated as a curious fact — and curious it, no doubt, would be if true—that only one

decision of the Board of Trade had been approved of by the House of Commons, and that that one decision had been reversed by the House of Lords. But what were the real facts of the case? The Railway Department of the Board of Trade had reported on 247 schemes, comprising nearly 8,000 miles of railway; of these 58 had been withdrawn, and 19 had failed upon the Standing Orders, leaving 160, which had been read a second time in the House of Commons. Of these 160, nine still remained undecided, making the number, actually decided on, 151; and of these 151 schemes decided on both by the Board of Trade and the House of Commons, there were only six in which the House of Commons had directly reversed the opinion of the Board of Trade, which six schemes were involved in what was termed the gauge case, and only nine other cases in which the opinion of the Board of Trade had not been confirmed, owing in the mean time to a change of circumstances, or to a compromise between the contending parties; so that, out of 151 schemes which the House of Commons had decided upon, only 15 had been rejected, while 123 of the decisions of the Board of Trade had been absolutely confirmed. He thought he was, therefore, entitled to say that the Board of Trade had not failed in discovering the truth, and that their Reports were not to be considered as waste paper. The Minute of last year proposed that a distinct Committee of the Board of Trade should be appointed for railway business; but it was now intended to discontinue that Committee, and allow the business to be carried on by the ordinary Committee. The same preliminary steps on the part of railway companies which were now required, such as depositing with the Board of Trade a copy of the plan and a statement of the objects of the Bill, would continue to be required. They would also be expected to deliver a copy of the Bill when prepared; and if, upon the examination of its provisions, it should appear to the Board of Trade to be desirable, on public grounds, to direct the attention of Parliament to the nature of those provisions, the Board of Trade would be at liberty to submit to Parliament a Report upon the subject; but in no case to pronounce any opinion upon the merits of the Bill. That was a considerable change from the former system; and he ventured

either House to feel, under the remodelled form of procedure, that there could be any invasion of their powers in deciding upon such matters.

Lord *Brougham* thanked the noble Earl for his very fair and candid statement. The noble Earl said that a new arrangement had been made. It might well be called a new arrangement. It was just such an arrangement as took place in the body natural, when it was consigned to its parent earth, and suffered decomposition in the course of nature. He condemned the system of delay which was pursued in Committees by the opponents of different Bills for the purpose of insuring their defeat; and particularly instanced the case of the London and York Bill, which had now been about fourteen weeks in Committee. He had always been opposed to the appointment of the Board of Trade Committee, considering that their proceedings were calculated to encourage gambling, and being convinced that they could not have the materials before them which would enable them to come to a correct conclusion. He, however, could not see any objection to the plan now proposed.

Report to be printed.

RAILWAY AND OTHER BILLS.] Lord *Brougham* then asked their Lordships if it was their intention to proceed with the Adjourned Debate on the following Resolution, as amended, which, he thought, would put a stop to a good deal of hardship and oppression, viz.:—

"That where any Party or Parties have appeared and contested any such Bills at the Bar or in the Committees of the House, it shall be lawful for the House or Committees, if in their Discretion they shall think fit, to direct the *Expences* of such Party or Parties *incurred in the Proceedings before this House or its Committee* to be paid by the opposite Party promoting the Bill; *the Amount of such Expences to be ascertained and certified by the Clerk of the Parliaments or Clerk-Assistant, by like Taxation and in the same Manner and upon the same Terms in all respects, as Costs on Appeals and Writs of Error are directed to be ascertained and certified by the Standing Order of this House, of the 3rd of April* 1835 *No.* 215; *and that the Petitioners for any such Bill, or some of them, as shall be approved by the Clerk of the Parliaments, shall, before the same is read a Second Time, give Security to the said Clerk, by Recognizance to be entered into to The Queen, of the Penalty of* 5,000*l.*, *conditioned to pay all Expences which may be ordered by the*

Turnpike Acts Continuance; Loan Societies; Highway Rates; Militia Ballots Suspension; Stock in Trade.

2°. Church Building Act Amendment; Grand Jury Presentments (Dublin); Spirits (Ireland); Excise Duties on Spirits (Channel Islands); Unclaimed Stock and Dividend.

Reported.—Commons Inclosure; Drainage of Lands; Lunatic Asylums (Ireland); Merchant Seamen.

3°. and passed:—Bankruptcy Declaration.

Private.—1°. North Walsham School Estate.

2°. Rothwell Gaol.

Reported.—Gravesend and Rochester Railway.

3°. and passed:—Guildford, Chichester, and Portsmouth Railway; Brighton and Chichester Railway (Portsmouth Extension); Direct London and Portsmouth Railway; Lady's Island and Tacumshin Embankment.

PETITIONS PRESENTED. By Mr. Balfour, from Provost, and others, of Haddington, in favour of Universities (Scotland) Bill.—By Mr. S. Wortley, from Parramatta, for Repeal of certain Acts relating to the Colony of New South Wales.—By Mr. Borthwick, from Churwell, for Inquiry into the Anatomy Act.—By Mr. Heathcote, from several places, in favour of the Ten Hours System in Factories.—By Mr. T. Duncombe, from Henry Walker, Chemist, 59 St. John Street, for Inquiry into the Treatment of Lunatics, etc.—From Governors of York Lunatic Asylum, for Alteration of Lunatics Bill.—By Mr. Bunbury, from Apothecaries of Carlow, for Alteration of Physic and Surgery Bill.—By Mr. Balfour, from Provost, and others, of Haddington, for Postponement of Poor Law Amendment (Scotland) Bill.—By Sir J. Y. Buller, from David Phillips, and Jaspar Parrott, for Investigating Truth of Evidence of J. Parrott, before the Poor Law Medical Relief Committee (1844).

LUNATICS.] Lord *Ashley* moved the Order of the Day for the House to go into Committee on the Lunatics' Bill.

Mr. *T. Duncombe* deprecated the further progress of the Bill at so late a period of the Session. His objection to the principle of the Bill was so great, that he would move its postponement until the next Session.

Sir *J. Graham*, addressing the House, said, that the Government had intended to bring in a Bill similar to that before the House; but knowing the great interest which his noble Friend (Lord Ashley) had taken in the subject, and his perfect acquaintance with it, they had gladly handed over the matter to his charge, but they did not for an instant wish to get rid of the responsibility themselves; on the contrary, the Government took upon themselves the whole responsibility of the measure, which they felt would be of great public benefit. He hoped the House would give its sanction to a measure of so much importance, even although it had been unavoidably delayed to a late period of the Session.

Order of the Day read.

Lord *Ashley* moved, "that the Speaker do now leave the chair."

Mr. *T. Duncombe* said, he had to present a petition complaining that a man, named William White, a poor brother of the Charter-house, had been detained in a private lunatic assylum for nine years, although he had certificates of four surgeons that he was of sound mind, and not a proper person to be so confined.

Lord *Ashley* sincerely hoped the hon. Member for Finsbury, now that he stated the object he had in view in opposing the Bill, would allow the House to go through the preliminary forms, so that the measure might be fully and dispassionately considered and discussed in Committee. He also hoped that nothing which might fall from the hon. Gentleman or any other hon. Member would tempt him to infringe the rules of the House, or induce him to reply in any way that exhibited aught in the nature of irritation or ill-feeling. When he heard the hon. Gentleman say that the Commissioners, in the discharge of their duties, and particularly in their examinations, had conducted themselves with arrogance and intolerance, he must take leave to say that the hon. Member had been most grievously misinformed by those who had made such a statement to him. He would ask him to consult his own heart and his own feelings, and if in his heart and his feelings he found that it would be possible for him, in so solemn an inquiry—an inquiry of so delicate a nature, and affecting, as it did, the happiness of human beings—to behave with arrogance and intolerance, then he (Lord Ashley) would admit that his brother Commissioners and himself were open to the charge. But he would undertake to prove to the House that nothing could be more inaccurate than such a charge. It was quite true that the hon. Gentleman gave him notice that it was his intention to bring under the consideration of the House the case of Captain Digby. He had stated to him in private that if it were necessary for the Commissioners to be put upon their defence, and to show their reasons why they could not authorize the liberation of that party, he feared, from the documents which would be produced, that the case would issue in a painful result. He had hoped that he should not have to weary the House by any further statements; and he felt that he was acting with exceeding boldness when he brought forward this measure. He had hoped that his preliminary observations would have been sufficient; but since it was the will of the House that he should make a further communication on this matter, he would re-

quest them to receive the explanation he was now about to offer. It would be necessary, in the first place, that he should describe the constitution of the Commission, and retrace the history of legislation upon this subject. In 1828, Mr. Gordon, then a Member of this House, introduced a Bill which afterwards became the Act under which the operations of the Commission were conducted, and was, in fact, the law under which their operations were conducted up to the present time. If the House would allow him, he would give a short view of the state of the law by which private asylums were regulated previously to 1828, in order that they might see how they had gone on progressively improving in their legislation, and how they might continue to go on progressively improving; for this was a difficult and delicate question, and no step could be taken without deliberation, and every such step must be justified by past experience. Previously to 1828 private asylums were regulated by the Act of Parliament passed in the 14th year of George III. That was a most important Act, but very defective. There was no power contained in it for punishing an offence, not even for revoking or refusing a license. There was a great laxity in the signature of certificates, one only being deemed sufficient, and that one might be and often was signed by a person not duly qualified, or the proprietor of the madhouse (in his medical capacity), to which the alleged lunatic was consigned. Houses licensed under that Act were not required to be visited more than once a year. There was no power under the Act to discharge any patient who might prove to be of sound mind. Licenses could be granted only on one day in the year. Pauper lunatics were sent to the madhouse and admitted without medical certificates, and no return of pauper patients was ever made to the Board. No plans were required of houses previously to the granting of licenses; no returns of the cases of lunatics kept singly in houses for gain; and, moreover, no visits of medical persons to the patients. That, in fact, was the state of the law from 1777 down to 1828, when Mr. Gordon introduced a Bill which remedied these defects. That Act gave power to the Board to revoke or refuse a license. Sundry offences were specified in the Act, not specified in the old Act, which might be punished as misdemeanors. Separate visits by two medical men were required; and these gentlemen were to be members of one of the three authorized medical bodies. These visits must have been paid to the alleged lunatic within a period of not more than seven clear days before his admission into a licensed house. Every licensed house was to be visited at least four times in the year (many of them not having been visited at all under the old law), and in practice now some of them were visited oftener. A power was also given for discharging any patient who might, after due medical investigation of the case, be considered of sound mind. Licenses could be granted on any of the quarterly boards; and certificates were necessary for the admission of pauper lunatics, as well as returns of them regularly made, and lists of them kept, so that each pauper was seen, and, when requisite, examined on each visit of the Commissioners. Plans of all houses were required, and also of such alterations as might, from time to time, be made therein; and returns of patients in single houses under certain well-guarded provisions for insuring secrecy, were to be annually made to the clerk. Then, each house, containing more than a hundred patients, was to have a resident medical officer; and where the number was less than a hundred, was to be visited by a medical person twice a week. Mr. Gordon's Act was passed for three years, and the Commission was appointed for one year, to be renewed annually. That Commission consisted of several unpaid Members, and five physicians, and it was provided that these five physicians should be paid at the rate of one guinea an hour for their attendance, with power to carry into effect the new Act within the metropolitan district. This Act and Commission were renewed in 1832, and two barristers were added on the same terms. About 1834, after having been a member of the Commission, he (Lord Ashley) became the chairman of the Commission, which duty he had discharged up to the present time. Now, this Act was renewed periodically from three years to three years, until the year 1842, when his noble Friend the Chancellor of the Duchy of Lancaster (Lord G. Somerset) brought in a Bill for three years, the object of which was greatly to extend the operation of the metropolitan Commissioners. Let the House see how that Act extended the duties devolved upon these Commissioners. It extended

their duties over the whole surface of England and Wales, instead of confining them to the metropolitan district and a radius of seven miles round it, and directed that all asylums licensed by the justices should be visited twice a year by two Commissioners (a physician and a barrister), who were to examine the licenses and certificates, and inquire and report as to restraint, classification, occupation, and amusements. They were also to report on the condition of paupers on admission, diet, and so forth. They were bound to make entries as to particular patients in patients' book, and empowered to liberate patients in provincial asylums after two visits. The Act likewise directed a physician and barrister (members of the Commission) to visit county asylums once a year, and make inquiries and reports similar to those which he had already specified. Then, for the purpose of discharging any increase in their duties, the number of physicians had been augmented to seven, and of barristers to four. And it was also provided by the Act that the Commissioners should receive at the rate of five guineas a day during the performance of their duties in the provinces. Such were the provisions of the Act passed in the fifth and sixth of Her present Majesty's reign; and immediately after its enactment the Commissioners entered upon their enlarged duties. Now, let the House observe what were the duties which devolved upon the Commissioners. The result of the passing of that Act was, that in each year the establishments to be visited by them were seventeen county asylums, or asylums brought within the scope of the 9th Geo. IV. (the Act of 1828), being twelve county asylums, and five county and subscription asylums; eleven asylums of a mixed character, maintained partly by subscription, and partly by income from charitable foundations; and two military and naval hospitals. These would be visited once a year. Ninety-nine houses licensed by justices in session, fifty-nine of them receiving private patients only, and the remaining forty paupers and private patients, would be visited twice a year. Then, in the metropolitan district, there were thirty-seven houses licensed by the metropolitan Commissioners, thirty-three of which received private patients only, and the remainder (four large establishments) both pauper and private patients. These would be visited four times in the course of a year. So that in the whole, 166 houses, spread over a large surface, were to be visited by the Commissioners, some of them once, others twice, and some four times a year. The result of these investigations was a voluminous Report from the Commissioners, which was presented to the House towards the close of the last Session of Parliament; and he very much feared that the size of that Report, although it was published in the most inviting form, had deterred many hon. Members from perusing it; because if the House of Commons had read the Report, there would have been very little hesitation manifested with regard to the two Bills which he had had the honour of introducing. Nor did he think that he should now have been called on to weary the House by these preliminary remarks. Well, upon the presentation of that Report, he proposed a motion for an Address to the Crown, praying Her Majesty to take it into Her serious consideration. A discussion arose in the House, and Her Majesty's Government stated that they were so impressed with the necessity of legislation upon the subject, that they promised that a Bill should be introduced in the succeeding Session of Parliament, in consequence of which he (Lord Ashley) withdrew his notice. His right hon. Friend (Sir James Graham) had already explained to the House why it was that he was entrusted with the introduction of the two very important Bills before the House. His right hon. Friend was pleased to think that, as he had served so long on the Commission, and performed the responsible and arduous duties of its chairman, he was the proper person to present these measures to the notice of the House. He undertook the task, because he thought it to be his duty so to do when asked by the Minister of the Crown, knowing at the same time how much that Minister was overwhelmed by the pressure of public business, and knowing also the great zeal and diligence which his right hon. Friend brought to bear in discharging the important duties that devolved upon him. The House might be assured that it was not from an overweening opinion of his own competency or ability that he (Lord Ashley) had complied with the right hon. Baronet's request. Quite the reverse. He shrunk from the task—not that he shrunk from the labour, or entertained a fear as to the reception which the Bills would

meet with at the hands of the House; but because he did not feel that he had either sufficient influence with the House, or a sufficient command of ability, to undertake a measure which he knew must extend over the length and breadth of the realm, and would introduce a new system on principles which he was quite convinced, if carried out judiciously, would place this country at the very pinnacle among the countries which undertook to legislate for this unfortunate class of their fellow subjects. The result was, the two Bills which he had introduced; the one to provide for pauper lunatics, and the other to render permanent the Commission, and provide rules for private asylums, and for general visitation. He would now explain why it was that these particular provisions existed in the Bills, and particularly the one which he should bring under the consideration of the House this morning. The duties of the Commissioners being so extended in point of surface, and so multiplied in number and variety, it became absolutely necessary to consider the present constitution of the Commission. It was quite clear that with the Commission, as at present constituted, they could not go on much longer in the discharge of duties which were multiplying every day. In the first place, then, it was absolutely necessary to have very many more Board meetings, in consequence of the rapid increase in the business they had to go through. When the Boards were held, they found a greater accumulation of business than they could discharge with that attention which was its due. In the next place, it was equally necessary that there should be more visitations. They found that nothing was so effective for the prevention of abuses as successive and unexpected visitings. But with the Commission constituted as it was, it would be impossible that they could to any great extent increase the number of their meetings. It was requisite, therefore, in order to obtain a due attendance, that they should secure the full, entire, and undivided services of professional men, abstracted altogether from any professional pursuits or practice. The accumulation of their duties had very much altered the capacity of the medical men and barristers to discharge them. So long as the duties were confined to the metropolitan districts, that was, London been much easier for the Commission, as now constituted, to meet and discharge their duties, although they too were in a great degree increased; but the moment the county duties were superadded, and it became necessary that the barristers and medical men should be absent from their private practice in London for whole days together in the provinces, it was perfectly clear, that then the proper discharge of the duties could only be secured by having persons altogether devoted to this work, and no other. It was necessary, also, to consider the progressively increasing expenses of the Commission. Observe how those expenses were growing, as shown by the Parliamentary Papers; from which it appeared, that in the year ending in August, 1844, they were within a fraction of 10,000*l.* In that same year, the payments to the Commissioners alone, who were paid according to the time employed, had increased, as compared with the year 1842-3, by 918*l.* Then, see how many meetings of the Board took place. In 1842 they held fifteen, in 1840 they held twenty-four, and in 1844 they held thirty-one meetings. Now, the sittings of those Boards averaged at the very least four hours each, and were attended by eleven paid members, consisting of seven physicians and four barristers. At this rate, they cost in 1842, 660*l.*, in 1843, 956*l.*, and in 1844, 1,364*l.*, thus showing an increase in two years of 704*l.* for expenses of the Boards alone. On this scale it might be estimated, that in two years' time, viz., in 1847, even if no additional duties were imposed, the expenses would have arisen to 12,640*l.* a year; but, supposing additional duties were required, as proposed by the Bill now before the House, in the same period of two years, or in 1847, the expenses would have risen to 14,850*l.* per annum. Let the House now observe the duties which the Bill, if carried, would impose upon the Commissioners. See the enormous extent of country to be travelled over, and the additional number of days that must be employed in the performance of that duty. In the first place, all workhouses in England and Wales would require visitation, for there were lunatics in the workhouses of every county, with two exceptions only. With a view, therefore, to efficiency and economy, the arrangement of a permanent Commission was

salaries of 1,500*l.* a year each. The total amount of salaries to the Commissioners would be 9,000*l.* Now, he would beg the House to observe, that for this they were to have the exclusive and undivided services of those parties. It had been observed that such a provision was not made in the Bill; he could only say, that such was the intention, and he had since introduced the very strongest words which could be used, in order to show that their exclusive and undivided attention was to be given to the duties of their office, and that they were not to receive emolument from any other source, with the exception of private property. Under these circumstances it was necessary to hold out an inducement sufficient to invite into the service men of the highest talent and integrity. The Poor Law Commissioners received 2,000*l.* a year, and it was proposed that 1,500*l.* per annum should be given to the Commissioners under this Bill. Their duties would be of a very harassing nature. They must frequently be absent from home, devoting a considerable part of their time to travelling over the length and breadth of the country. They must necessarily be persons of high character, and would be taken altogether from their practice and profession, devoting themselves exclusively to the services of this Commission, which would be of an extremely difficult and delicate nature. As to the cost of the Commission, there would be a secretary at a salary of 800*l.* per annum, and two clerks at a salary of 100*l.* each; then he estimated the travelling expenses at about 2,150*l.*, and sundries at 430*l.* making together a total expenditure of 12,583*l.* That was the estimated expense of the Commission. As to the provision for superannuation, taking it at the utmost, and supposing the superannuation list to be full, the expense would only be increased 14,583*l.* But, however, putting that out of the question, the expense of the Commission for many years would be 12,583*l.* He would call upon the House to mark how very low an estimate they had taken of the expense, when they considered the additional duties which the permanent Commission proposed by the Bill would create. They had calculated upon only six additional board days—they ought to have at least two a week. [Mr. *T. Duncombe:* It ought to be every day.] Very well, then that would occupy their time altogether, and they should be rewarded according to their services. The hon. Gentleman could not have said anything that so completely proved the necessity of a constant permanent Commission. But there was a new duty imposed on the Commission by this Bill. The Commissioners were to have the serious, delicate, but indispensable duty of visiting those wretched creatures who were shut up in single houses. It was a duty, the extent of which they could not as yet form a notion of. In half an hour's walk from the door of that House, he would undertake to say that he would find a hundred persons shut up in single houses. The Bill, provided, however, that notice should be given to the Commissioners in such cases, and a certificate signed. [Mr. *T. Duncombe:* That clause I approve of more than any other in the Bill.] He was very happy to hear it. To execute such a duty as the Commissioners would have to perform in visiting these houses, they must surely devote their serious and undivided services, and they must be proper and efficient men. The duty of visitation was one of the most burdensome that could be conceived. He had on a late occasion visited a house containing a number of private and pauper lunatics, and having reached it soon after eleven o'clock, the Commissioners had not finished the performance of their duty at seven—when he was obliged to come away and leave his Colleagues behind. It was not a common service to be performed, but one of great excitement, difficulty, and responsibility. It was necessary that visitations should be made repeatedly and unexpectedly. As the Chairman of such Commission, he should say, go and visit such and such a place ten or twelve times in the course of a year; and this with a permanent Commission would not increase the expense, but by the present system the Commissioners were paid upon each visitation a guinea an hour during the whole time they were engaged; the Bill before the House, however, would give a stationary income. At present the Commissioners made four hundred and four distinct visits in one year, they travelled 15,000 miles in the same period, they also attended 34 boards, they made 404 separate reports, and they also made 600 entries in the different books, some of which which were of great length. Upon the very lowest estimate, under the pre-

sent Bill, they must make 560 visits, travel 16,500 miles, hold 40 boards, make 500 reports, and about 900 entries. But this would not be enough, and unless the Commission was able to devote itself to these duties, and multiply both the boards and visitations, no effectual good could be done. If the House thought those duties were to be performed—the visitation of all the workhouses, containing 8,000 pauper lunatics—all the patients in single houses—and, as the hon. Member for Finsbury said, a board should be held every day—if the House thought all this duty was to be performed, his (Lord Ashley's) belief was that, in a very short time, the expense of the present Commission would reach 25,000*l.* a year. A clause was inserted in the Bill which would give a most stringent hold over the proper discharge of the duties of the Commissioners. At the end of every six months they would have to make a return to the Lord Chancellor of the number of visits which they had made, the patients whom they had seen, and the miles which they had travelled. Now, he would just point out to the House some of the provisions of the new Bill, to show how vast an improvement it would be on the existing law. It began by establishing a permanent Commission, and thereby secured the entire services of competent persons, and fixed the limits of expense now regularly increasing. It placed hospitals (or subscription asylums) under proper regulations, by requiring them to have the same orders and certificates as were necessary in licensed houses, and by subjecting them to the same visitation as county asylums. It prevented persons of weak mind from being received in asylums in the character of boarders, in which case they had not the benefit of any visitation, and were sometimes induced to execute deeds affecting their property. It provided an additional security against the improper detention of pauper patients, by requiring that the person signing the order for their confinement should see and personally examine them beforehand; and that the medical officer who certified as to their insanity should see them within seven days previous to their confinement. Neither of these safeguards existed at present. It compelled every person receiving a patient to state his condition (mental as well as bodily) when first admitted, and the cause of his death when he died. It directed every injury and act of violence happening to a patient to be recorded, and required a "case book" to be kept; thereby affording additional security against mismanagement, and showing how far the patients had the benefit of medical treatment. It provided against the liberation of dangerous patients. It authorized the visitors to enforce a proper supply of food (in licensed houses) to pauper patients, who were at present fed at the discretion of the proprietor. It enabled the visitors to order the admission of a patient's friends to visit him. At present they were admitted or excluded at the caprice of the person who signed the order for the patient's confinement. It enabled the visitors to sanction the temporary removal of a patient (in ill health) to the seaside or elsewhere. It enforced an immediate private return of all single patients (received for profit) and authorized the members of a small private committee to visit them if necessary. These returns were almost universally evaded at present, the law rendering it unnecessary to make any return unless the patient had been confined for twelve months. It enabled the Chancellor to protect the property of lunatics against whom a Commission had not issued, by a summary and inexpensive process; and finally, it subjected all workhouses, in which any lunatic was kept, to regular visitation. Now, he would just show the House of what this last duty consisted. By the last returns to August, 1844, just presented by the Poor Law Commissioners, there were 17,355 pauper lunatics and idiots chargeable in the country. Of these, there were in county asylums 4,224, leaving 13,131 unprovided for in any public asylum. Of these last, there were in licensed houses 2,942, leaving in no asylum and under no supervision or care whatever, nearly 10,000. That was the existing state of things; and surely it proved the necessity of immediate interference. The treatment which the pauper lunatics often received was shocking to contemplate. He knew the case of a wretched woman who had been rather violent, and with regard to whom the matron, taking upon herself to incarcerate the poor creature when and in what manner she pleased, bound her with ropes, and leaving her in that state, in a short time the rope had eaten to the very bone; in consequence of which her arm was soon after

amputated. In all such places there would be a tendency to restrain and incarcerate frequently. It was easy to put such poor creatures in a strait waistcoat and get rid of them. That case occurred five years ago; but three days ago he received a letter from a visiting magistrate, who said, he was happy to find that the Bill had been introduced, as many of these wretched creatures were farmed out by the workhouses, and kept by their relations. He said, that he had been a visiting magistrate forty years, and a

"circumstance came under my observation of a female, who, during her pregnancy, became insane; and the person under whose care the parish officers had placed her had fastened the ligatures so tight round her ancles (the blood being in a sluggish state) that they mortified; and, upon my second visit, I found that her feet had dropped off."

She died afterwards, her reason having been restored; she made no complaint, but "these things would never have happened had she been sent to a proper asylum." He added—

"On my visit to another asylum, I found twenty-five lunatics crowded together in a small yard, with only a boy, under twenty years of age, to take care of them. They were all bound in waistcoats or handcuffs."

He (Lord Ashley) had seen no less than eighty lunatics in one yard, under the charge of a single person, in one of the private asylums in London for the reception of pauper lunatics. He hoped, however, that the Bill which was now about to pass for the erection of county lunatic asylums, would gradually be the means of diminishing these enormities. It was pleasing to contrast with such places the Hanwell and Surrey asylums. In the former he had seen forty-eight patients together, engaged in horticulture, and using sharp and dangerous instruments; and in the Surrey asylum he had seen lunatics brought to use sharp weapons, such as axes, hatchets, &c. He wanted to approximate to that state of things as much as he could before these asylums were built, and therefore he wished all lunatics to be brought under immediate visitation. But if they imposed all these necessary duties, they must have a permanent Commission, and employ men who were well qualified, and willing to give their undivided attention to this difficult work. It was very well to talk of postponement; but many counties at this moment were waiting for the passing of this measure, and had suspended their operations. He would instance Derby, Warwick, Worcester, Nottingham, and Staffor d In Sussex, the magistrates were preparing to fit up an old gaol as a lunatic asylum, and would no doubt do so if this Bill were delayed until next Session. St. Peter's, at Bristol, Haverfordwest, and several other wretched asylums, still received patients. Besides, in many places there was very little visitation, and in some actually none. If these places were visited and subjected to efficient regulations, a great many parties would, no doubt, be cured when placed under proper care, who might otherwise become incurable lunatics. By delay, and want of curative process, out of 700 curable lunatics in a year, barely one-tenth would be recovered; and he would ask the House to estimate the misery and expense of 630 lunatics being added yearly to the list of incurables. It was well known that when persons had laboured under the disorder for twelve months, it rarely happened that more than one-sixth could be cured. The postponing of the measure until another Session would involve at least a delay of six months, during which time, he would ask the hon. Member for Finsbury to recollect the number of lunatics who would be left altogether without superintending care. He would also ask the House to consider the difficulties by which the Commissioners were surrounded. They were compelled, in the Bill before the House, to take a middle course; they were bound to consider the patient, but they were also bound to regard the public. The hon. Member for Finsbury, with great propriety, took up the cause of the patient, and called upon them to take care that he was not confined a moment longer than was absolutely necessary. Other persons, however, held opinions contrary to those of the hon. Gentleman, and called on him to make the law far less stringent; and, as he had before said, it was necessary to take a middle course. He begged to thank the House for the great kindness with which they had listened to him. He could only say, that he took the deepest interest in the fate of this unhappy class of persons. He had been engaged for sixteen years in this matter, and thought the House would do him the justice to say that he was not actuated by any personal motive; all he asked was, that some little consideration might be given to the opinions of those who, without fee or reward, and whose only motive was to ameliorate the condition of the unfor-

tunate lunatic—he only asked that some little consideration might be given to the opinion of such persons. It was very well for those Gentlemen to talk of delay who knew nothing, by experience, of the horrors that were hourly perpetrated; it was very well for persons to talk of delay who had never seen the miseries which were constantly brought under his notice, and who did not know how painful it was to administer an imperfect law. The Commissioners knew the law to be imperfect—they saw the remedy—and they knew that a large proportion of the evils could be removed if only some little consideration were given to their opinions. They now applied to the House, from their own experience, for a remedy which was within the reach of the Legislature. If he was defeated in his effort to obtain the sanction of law for the Bill before the House, without any further delay, it would be to him a source of inexpressible regret; and he implored the House, by all the statements which had been laid before them, by all that they must know of their own knowledge, to lose no time in carrying into execution those means within their reach, of removing the great evils of the present system, which were not only the source of intolerable suffering to the unhappy beings in whose defence he was pleading, but which were a standing disgrace to this enlightened kingdom and this Christian land.

Mr. *T. Duncombe* said, the Bill would not give that guarantee and security to the public which the noble Lord imagined. He did not underrate the great importance of the measure; but at this advanced period of the Session, and when there was no absolute necessity for it that he could understand, he thought that the Bill should be postponed until the next Session of Parliament, in order that an investigation might take place, not only as to the conduct of the Commissioners, but also with reference to the operation of the existing laws, under which great abuses did exist, and would continue to exist, in spite of the provisions of the Bill. The noble Lord could not tell him how any persons who had been unjustly confined could obtain relief by the Bill before the House; the same medical certificates were to be given, and interested parties would still have the power of imprisoning their victims under the plea of lunacy. He would call the attention of the House to the petition of Mr. Lewis Phillips, who asked for time, and prayed the House not to legislate blindfolded. He (Mr. Duncombe) thought it was better that nineteen insane persons should go free, than that one rational being should be shut up under the plea of insanity. He had made inquiries, and believed every word in the petition of Mr. Phillips to be correct. The petitioner wished to be called to the bar—

"For the purpose of explaining the malpractices and workings of divers individuals desirous of placing Her Majesty's subjects in such places of confinement, without the proper and necessary steps which a British subject ought to be entitled to, and receive protection from a law to guard against any innovation, or tend in any measure to deprive the subject of the freedom he should properly enjoy."

He proceeded to say—

"That he was a partner in a large firm as a glass and lamp manufacturer, in Regent-street, St. James's, in the month of March, 1838, with his brothers, who were carrying on a prosperous business. That on the 16th day of March, 1838, your petitioner was on his usual rounds to the nobility, customers of the firm. That one of the said customers required your petitioner to call at Her Majesty's Palace that morning at eleven o'clock. That your petitioner did call, and the pretext thus arose for incarcerating your petitioner in a lunatic asylum. That without further entering into details, your petitioner was, in consequence of representations by his partners of his insanity to the magistrate, Mr. White, of Queen-square Police Court, given over to their care and custody. That your petitioner conferred with several friends and the police, who advised your petitioner to bring actions against all parties; on his again going to the Palace on the Saturday, the 17th of March, 1838, for the purpose of finding out the names of the parties who aided and abetted in his capture, he was seized at Pimlico by Leadbeater, without any cause, and neither did he intrude, or had any intention of intruding upon any part of the Palace; then conveyed to Bow-street station-house, locked up all night, and at six o'clock Sunday evening your petitioner was informed that he was liberated, and taken to receive some refreshment, by Leadbeater and an attorney; that without any further investigation, on the said Sunday evening your petitioner was removed in a hackney coach, closely guarded, to Dr. Warburton's lunatic asylum, Bethnal-green. That your petitioner was kept in close confinement until Sunday, the 9th of September, 1838, a period of six months, for, as his partners ridiculously stated, attempting to see the Queen. That during your petitioner's incarceration all sorts of practices were used in order to entrap your petitioner to make some confession to justify their conduct in accusing your petitioner of insanity. That

some strange female was introduced to your petitioner, in the lunatic asylum, dressed (on the Coronation-day, June 28, 1838, of Her Majesty) in paltry imitation of our Sovereign, to induce your petitioner to believe that it was Her most Gracious Majesty."

Any one might say all this was a delusion, but he was prepared to prove it. The petitioner proceeded to say—

"That the officers, both medical and otherwise, assisted in this nefarious scheme. That your petitioner has suffered the torture of mind and body through other acts and filthy observations and questions too disgusting to be mentioned, from the officers, medical and otherwise. That your petitioner has prayed to, and humbly requested those officers to desist from their torments. That your petitioner has been chained down and been brutally assaulted by the keepers of the lunatic asylum for having ventured to expostulate upon such ridiculous and wicked conduct. That on Tuesday, the 4th of September, 1838, one of the partners waited upon your petitioner, and with the resident doctor of the establishment, concocted an agreement for your petitioner to sign, requiring him to leave this country for Antwerp, and to be allowed 3*l.* per week, to be paid to him as necessity might require, through a man who was to follow your petitioner in the double capacity of keeper and servant, until your petitioner's partner should think proper to withdraw him. That your petitioner, on Sunday, the 9th of September, 1838, was again visited by his two partners, accompanied by the resident medical officer, and again urged to sign a dissolution of partnership, which your petitioner, after six months' horrid incarceration and torture, was induced to sign the following agreements for the dissolution of the co-partnership:—

"'*September* 8, 1838.

"'In consideration of Mr. Lewis Phillips retiring from business on the 11th of September, Messrs. Ralph and Samuel Phillips undertake to satisfy Mr. Lewis Phillips for his share of the property left in the business, by paying him a weekly sum for his maintenance.

(Signed) "'Ralph Phillips.
Sam. Phillips.

"'Witness, James Phillips (resident doctor).'

"'We hereby agree that the partnership which has existed between us be dissolved, and publicly announced in the *Gazette* of Tuesday next, the 11th of September, to the following effect, that Mr. Lewis Phillips is retiring, and that the business is to be hereafter carried on in the joint names of Ralph and Samuel Phillips.

(Signed) "'Ralph Phillips.
Lewis Phillips.
Samuel Phillips.'

"'*September* 8, 1838.

"'That your petitioner was immediately, the same hour that he signed the deed, conveyed in a cab with the keeper to Saint Katherine's Docks, and there placed on board the *Antwerpen*, bound for Antwerp, at which place your petitioner remained about a fortnight. That in consequence of the keeper not being able to read a letter addressed to him, your petitioner was enabled to peruse it, and discovered that another scheme was again concocted to bring your petitioner back to his late place of torture. And your petitioner, in consequence, made his escape, and returned to his mother in England, who with your petitioner's partners assisted to recapture your petitioner in the following manner:—His mother invited him to her house, at 28, Oxford-terrace, Edgware-road, to arrange amicably with his partners, but in lieu of which other parties came, and attempted to seize your petitioner. That your petitioner having endured so much misery, was fully prepared for any design which might show itself; and seeing the manœuvres, immediately forced his way out of the house, crying 'Murder,' the keepers hallooing out 'Stop thief.' That your petitioner did since commence proceedings against all parties; but, on obtaining the advice of Mr. Chitty, special pleader, on the statement of facts, your petitioner found himself without remedy, as care had been taken to keep your petitioner in confinement and without money until the time, as expressed in the Act of Parliament of the 48th and 49th Section of the 41st chapter of 9th George IV., viz., 'which prescribes and directs that such actions must be brought within six calendar months next after the fact committed.' That your petitioner has been obliged to suffer great privations, and has since that time been deprived of all benefit in his business, and that his partners, previous to your petitioner's giving notice of trial, became bankrupts. That your petitioner has been obliged to gain his living in attorneys' offices, and is at present employed in the capacity of clerk to a solicitor. That your petitioner is able to detail further facts relative to other individuals confined in lunatic asylums, and fully to give such information most important to this honourable House in framing a Bill to meet fully the circumstances of any case, not only as to pauper lunatics, but as to the treatment of parties supposed to be insane or otherwise.

"And your petitioner will, as in duty bound, ever pray.

"Lewis Phillips."

Mr. Phillips brought an action against Dr. Warburton, but was advised by Mr. Chitty that, on account of some delay, he could not succeed, and he then indicted all the parties for a conspiracy, when his solicitor was paid 170*l.* to compromise the matter rather than it should come before the public. All this had taken place under the existing Commission. Mr. Proctor, one of the Commissioners, saw him in the asylum, but said that he could do nothing for

him, as he must be visited three times before he could be released. He did not mean to attach any blame to Mr. Proctor, but such was the state of the law. It appeared, also, that a poor woman who was confined in Dr. Warburton's asylum, complained to Mr. Proctor, upon the occasion of one of his visits, that she had been ill treated; but as soon as he had turned his back, one of the female attendants told her husband that the poor woman had been making complaints to the Commissioner, when he took her to an upper part of the house, and beat her most cruelly, Mr. Phillips being able to hear her screams. On his return the man said he thought he had cured her of complaining to the Commissioner. Such cases, however, were of constant occurrence. No inquiry had been instituted since 1836, and it was time that the House of Commons should cause inquiry into the subject to be again made, with a view to better legislation. Why, then, were they pressing on this Bill at so late a period of the Session? Some portions of it he had before said were good, particularly that clause which enabled a Commissioner to visit a single patient: but he was not prepared to give such unconstitutional power to individuals as the Bill proposed; neither would he consent to make a Commission permanent, until he was satisfied that it had done its duty during the last twelve or fourteen years that it had been established. There was also a petition from William Bailey, who had been confined for five years, and who he believed to have been perfectly sane. He would not trouble the House by reading his petition; but there was the petition of Captain Digby, who said—

"That he was forcibly and violently taken out of his house, situate at No. 12, Beaumont-street, Marylebone, at night, on Sunday, May 5th, 1844, and conveyed to Moorcroft-house, Hillingdon, near Uxbridge, a private lunatic asylum, kept by the Messrs. Stillwell. That the Committee of the Metropolitan Commissioners in Lunacy visited this asylum on the 27th of May following, to whom your petitioner represented and explained the falsity of the imputation of insanity which had been made against him, and which could be confirmed by two clergymen of eminence, and all his friends with whom he lived in daily intercourse. That the Commissioners on three special visits examined your petitioner, at an interval of a fortnight between each visit; but your petitioner was not released until eight weeks subsequent to those visits, and during the interim was debarred all manner of intercourse and correspondence with his friends, and his request to see his solicitor, Mr. Pemberton, was refused him, and he was kept in confinement during the space of sixteen weeks and two days. Your petitioner, therefore, humbly prays that, previous to any further legislation on the subject of lunacy, a Committee may be appointed to investigate the operation of the present laws, and the conduct of the Metropolitan Commissioners in Lunacy, with the view of ensuring that no Englishman be deprived of his liberty without full and sufficient cause."

Dr. Conolly, of Hanwell, who had seen Captain Digby, was of opinion that he was not insane; and perhaps the best proof of his sanity was the fact that he had been induced to sign a cheque just before he left the asylum, which immediately on his release he stopped the payment of. Those cases frequently occurring at police offices would show the nefarious attempts that were often made to imprison some people upon the ground of insanity. The following occurred in September, last year, at the Worship-street office:—

"Police sergeant, James Finn, 37, attended before Mr. Broughton, by direction of Superintendent Johnson, to show cause why he had immured his wife, Ellen Finn, in a lunatic asylum, she being at the time in a state of perfect sanity. The case was first brought under the notice of the magistrate about a week ago, when the sister of the alleged lunatic appeared before him, and stated that her sister was married to the sergeant in Ireland about eighteen years ago, and that they had contrived, by their mutual industry, to accumulate a sum amounting to nearly 200*l.*, which had been deposited in the husband's name in the savings' bank. That they had lived very happily together until about twelve months ago, when repeated ruptures took place between them, and the sergeant taking advantage of some trivial acts of violence on her part, which his ill usage had provoked, had, by fraudulent means, induced two medical practitioners to certify that his wife was insane, and had thereby procured her incarceration in Dr. Warburton's Lunatic Asylum, at Bethnal-green, where she was then confined. The applicant added, that she felt so completely satisfied as to the entire sanity of her sister, that she had caused her to be carefully examined by a medical man of high eminence, whose voucher she had obtained to that effect. The applicant then handed the magistrate a certificate signed by Dr. Riding, of Euston-square, stating 'that he had seen Mrs. Finn, and, after a careful examination of her case, he was unable to detect any signs of insanity, and considered her therefore not a fit subject for confinement. Upon hearing the above statement, and perusing the certificate, Mr. Broughton directed Henley, the chief usher, to proceed to make inquiries at the madhouse,

and, if the woman's statement was well founded, to request the attendance of the medical officer of that establishment, in order that the case might be thoroughly investigated. Mr. Phillips, the medical officer of the asylum, subsequently attended before Mr. Broughton, and stated that Mrs. Finn had been received into the house on the authority of a certificate, signed by two surgeons, that she was of unsound mind; but Mr. Phillips felt bound to express, as his own decided opinion, that she was perfectly sane, and was not a fit object for admission into the asylum. Having the attestation, however, of two medical men to the contrary effect, they were compelled to detain her, but were ready to deliver her up to her friends on being legally authorized to adopt that course. Mr. Broughton made some strong remarks upon the monstrous state of the law, which enabled a person, at his own wanton caprice, to consign another to such a dreadful species of confinement, and gave orders for the attendance of all the parties before him. Saturday the wife, whose address and demeanour were perfectly quiet and collected, was examined at some length by the magistrate, and stated that in consequence of a disagreement that took place between them, her husband, about four months ago, placed her in the same asylum; but after remaining there a week he consented to her liberation, and agreed to allow her 10*s.* a week, on condition that she went over to her friends in Ireland. She accordingly proceeded to that country, but returned after a short stay, and besought the defendant to receive her into his house, and it was in consequence of those importunities that she was again incarcerated in the madhouse. In answer to the complaint the defendant said that his wife had been guilty of the most outrageous acts of violence, having more than once attempted to stab him, and her whole conduct justified his conviction that her intellects were impaired. She was examined by two respectable medical men, one of whom had attended her for nine months; and, as they both testified to that fact, he considered himself justified in the course which he had pursued. Mr. Broughton, the magistrate, expressed it as his opinion that the woman was in as sane and rational a state as any one in court, and he considered that the defendant had been guilty of extreme cruelty and injustice towards her. Fortunately, however, through her sister's interposition, she was now restored to her friends, and he wished to know what arrangement the defendant was willing to make for her future maintenance. The defendant said that he had been paying 15*s.* a week to maintain her in the asylum, and he was willing to allow her half that sum if she would promise not to come near or molest him again, as he had been in danger of losing his situation through her turbulent conduct. Holland, the summoning officer, said that at the expiration of her first confinement in the asylum, Superintendent Johnson, with great kindness, received her into his house, in the hope of being able to effect a reconciliation with her husband; and her conduct during the week she remained there was uniformly good and perfectly rational. After some further discussion, it was finally agreed that the defendant should allow her 8*s.* per week, besides providing her with some clothes and other necessaries, and the parties then left the court."

Now, as to the subject of expenses, that had certainly been increasing since 1828 in a most extraordinary manner. The following was an account of moneys received and paid by the clerk of the Metropolitan Commissioners in Lunacy:—

	Received for Licenses.	Paid Fees to Medical Commissioners.	Total Expense.
	£ s. d.	£ s. d.	£ s. d.
August, 1828,			
To Aug. 1829	1,040 7 6	1,154 0 0	2,246 17 1
To Aug. 1830	974 12 6	1,244 0 0	2,036 8 3
To Aug. 1831	1,012 5 0	1,050 0 0	2,536 10 0
August, 1841,			
To Aug, 1842	901 0 0	1,993 0 0	3,315 5 0
August, 1843,			
To Aug. 1844	978 15 0	3,059 0 0	11,920 13 0
Extra fees and travelling expenses	.. .. ..	5,850 16 0	

At a meeting which took place in the city yesterday, the noble Lord the Member for Dorsetshire (Lord Ashley) said that he had been a Commissioner for twelve years; he admitted the horrors of private asylums, and said he would rather be a pauper in the Hanwell Asylum than be placed in a private asylum where his friends would have to pay for him. Why did not the question naturally arise, if the noble Lord had been a Commissioner for so many years, and had been cognizant of the evils which existed in private asylums—why was there no attempt to remedy them before? He (Mr. Duncombe) knew that he had no chance of success; but he should have the satisfaction of knowing that he had done his duty in exposing the defects of the existing law, and calling for a searching and rigid inquiry. The hon. Member concluded bymoving "That all further proceedings should be postponed until next Session; and that, previous to any further legislation on the subject, an inquiry should be instituted into the state of the existing law."

Mr. *V. Smith* was willing to rest his opinion that the Bill should not be postponed upon the arguments of the hon. Member for Finsbury, which all went to prove the necessity of most active and care-

ful supervision, and the sooner that was effected the better. The Bill did not propose to continue the Commission under which the evils complained of had existed, but to elect a new Commission altogether, with new powers, new duties, and new salaries; and he thought, of all the proposals in the Bill, that of a permanent Commission ought most readily to receive the approbation of the House. An admixture of medical men and barristers on the Commission was the best course that could have been adopted. The hon. Gentleman then passed a high eulogium on the exertions and talents displayed by Lord Ashley as Chairman of the Lunacy Commissioners, and expressed a hope that he would continue to exercise the duties of that office when the new Commission was formed.

Lord *Duncan* was disposed to support the Amendment; but as it was then four o'clock, he moved the adjournment of the debate.

Sir *J. Graham* hoped the hon. Member for Finsbury, and the noble Lord the Member for Bath, would be satisfied with the discussion which had already taken place, and would consent to take the sense of the House upon it, with the understanding that the House should go into Committee on Monday.

After a short conversation, Lord *Duncan* withdrew his Motion,

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 66; Noes 1: Majority 65.

List of the AYES.

Ainsworth, P.	Egerton, W. T.
Arundel and Surrey, Earl of	Etwall, R.
	Forster, M.
Baillie, Col.	Fuller, A. E.
Baird, W.	Graham, rt. hn. Sir J.
Baring, rt. hn. W. B.	Greene, T.
Barrington, Visct.	Grimston, Visct.
Bentinck, Lord G.	Hamilton, W. J.
Bodkin, W. H.	Harris, hon. Capt
Bowles, Adm.	Hatton, Capt. V.
Broadley, H.	Henley, J. W.
Brotherton, J.	Hollond, R.
Bruce, Lord E.	Jermyn, Earl
Bruges, W. H. L.	Johnstone, Sir J.
Buller, E.	Kemble, H.
Carew, W. H. P.	Knightley, Sir C.
Christie, W. D.	Lowther, Sir J. H.
Clive, Visct.	Mackenzie, W. F.
Clive, hon. R. H.	Martin, C. W.
Damer, hon. Col.	Mitcalfe, H.
Denison, E. B.	Morris, D.
Dickinson, F. H.	Mundy, E. M.
Duncombe, hon. A.	Nicholl, rt. hn. J.
Packe, C. W.	Thornhill, G.
Palmerston, Visct.	Turner, E.
Praed, W. T.	Villiers, Visct.
Protheroe, E.	Vivian, J. H.
Rolleston, Col.	Waddington, H. S.
Sandon, Visct.	Warburton, H.
Seymour, Lord	Wawn, J. T.
Sheridan, R. B.	Wynn, rt.hn. C. W. W.
Smith, rt. hn. R. V.	Yorke, H. R.
Somerset, Lord G.	TELLERS.
Spooner, R.	Ashley, Lord
Sutton, hon. H. M.	Cardwell, E

List of the NOES.

	TELLERS.
Duncan, Visct.	Duncombe, T.
	Crawford, S.

Committee postponed to Tuesday.
House adjourned to five o'clock.

POOR LAW AMENDMENT (SCOTLAND).] The Order of the Day for going into Committee on the Poor Law Amendment (Scotland) Bill, was read.

On the Question that the Speaker do now leave the Chair,

Colonel *Rawdon* expressed a hope that before the House went into Committee, the right hon. Baronet the Secretary of State for the Home Department would state the intentions of the Government with respect to the clauses affecting the rights of Irish paupers, as the right hon. Gentleman had been requested to do by a deputation of the Irish Members.

Sir *J. Graham* said, the best course to adopt would be to proceed with the Bill in Committee until the clauses referred to were arrived at.

Mr. *Hume* said, if the Members for Ireland objected to particular clauses of the Bill, he should object to the measure altogether. The Government had already postponed a great number of measures, and he was anxious that they should adopt the same course with regard to the present Bill. It was so large, and contained so many provisions, many of them most uncertain and undefined, that it would, if carried, prove to be only an Act to create dissension and litigation. The time would be very brief until next Session, and in the mean time the measure might be fully and fairly considered in Scotland, and many important and necessary amendments suggested. The opinion prevalent among the best informed parties in Scotland was, that if the Bill passed into law in its present form, another measure to amend it, would, as a matter of course, have to be introduced next Session.

Mr. *Ewart* agreed altogether in what had fallen from his hon. Friend who had just sat down. The measure was one which all parties united in saying could not be satisfactory or successful, and the probability was, that if it now became law, it would have to be amended next Session. The delay would also produce the advantage of enabling those hon. Gentlemen who, though Members for Scotland, had unfortunately the misfortune not to be born in Scotland, to become better acquainted with the subject.

Mr. *P. M. Stewart* said, he would go a step further than the two hon. Gentlemen who had last addressed the House, and would ask the Government to apply their own principle to the Bill which they had relied on when another Scotch question had been before the House a few nights ago, and to allow their decision upon it to be regulated by the petitions that had been presented from Scotland on the subject. Though the measure was one which was of vast importance to Scotland, he believed there had not been a single petition presented in its favour, whereas numerous petitions from all persons interested in the state of the Scotch poor had been presented against the Bill. All these petitions concurred in representing the great necessity of legislation on the subject of the poor of Scotland, whereas they, at the same time, described the Bill introduced by the Government as an ill-digested and an ill-adapted measure. They stated, that it would not allay the discontent existing against the present measure, and that the poor had no interest whatever in it. That it would have the effect of overloading the Statute Book with eighty clauses, most of which would, as a matter of necessity, be repealed next Session. In fact, the measure was one which would do no good to the poor man, while it would have the effect of throwing him beyond the pale of the Constitution.

Sir *J. Graham*, in answer to the appeal of hon. Members opposite, would begin by stating, that if ever a measure had been brought before the House which was completely divested of party character, it was the Scottish Poor Law. It was also admitted that the law for the relief of the poor in Scotland, was in such a state as to require immediate alteration. There had been full inquiry, and ample materials for immediate legislation had been obtained. The Report of the Commissioners had been before the public for twelve months, and had been under the consideration of Government during the whole of that time. If, therefore, the measure then before the House could be called crude and imperfect, the fault must lie with the Government who had prepared it, as ample time and full materials had gone to its preparation. Besides, the principle of the measure had been approved of by a very large majority of that House. Neither could it be said that the House had been taken by surprise. The Bill was introduced at an early period of the Session, and the second reading was postponed in order that the counties of Scotland might, in their county halls, have full opportunity of taking the matter into consideration. Neither was the absence of petitions in its favour any evidence of its unpopularity, as people seldom petitioned in favour of Government measures which were generally approved, except their success seemed doubtful. The principal petition against this Bill was from one parish which was peculiarly situated, and which, it was feared, would be affected by the 16th Clause; but that cause of petition was removed, as the clause was to be postponed. He thought that, as the principle of the Bill had been fully discussed and decisively affirmed by the House, and as they had made considerable progress in Committee, there was not any valid reason existing for its further postponement. If any hon. Member wished again to have the opinion of the House, the best plan would be to let the Bill pass through Committee, and take a division on the third reading.

Mr. *Lockhart* expressed his satisfaction that the right hon. Baronet had not postponed the progress of the Bill.

Mr. *Gibson Craig*, as they had so far advanced in Committee, could not conceive the expediency of postponing the measure. His own opinion was, that, generally speaking, the Bill had been favourably received in Scotland, although certainly some alterations were called for in it.

Mr. *Hastie* objected to the further progress of this Bill. The poor in Scotland were never so well looked after as in the present time. Therefore, in postponing the measure, no possible harm could result.

Viscount *Duncan* trusted that the

House would at once go into Committee, when there would be an opportunity of adopting any improvements. He had always found that the Lord Advocate had been willing to listen to suggestions for the improvement of the measure. The 16th Clause had been so much amended, as to remove nearly all the objections to it.

Mr. *E. Ellice* confirmed what had been stated by the hon. Member for Paisley (Mr. Hastie). The condition of the poor of Scotland within the last eighteen months, compared with what it had previously been, had been made much better by the discovery of the actual state of the law with regard to them. This was not a party question here or in Scotland; he had conversed with men of all politics upon it, and had met with but one opinion—that, if the Bill passed in its present shape, it would be likely to produce very mischievous effects. The allegations of the petitions against it were, that it would deprive the poor of their present remedy against the heritors, and subject them to an irresponsible power in order to put the law into effect. He gave the Government credit for honest intentions; but they only knew the state of the people of Scotland, through a prejudiced channel; with respect to Scotland, they appeared to be subjected to some influence that blighted all they took in hand. Had their measures with respect to the Scotch Church, or any other of their measures with regard to Scotland, been satisfactory to the people? Had they not all met with general condemnation? On a subject of such vast importance, ample time ought to be given for consideration; as the knowledge of the provisions of the Bill extended, the objections to it would increase. He hoped the Government would postpone it till next Session; if not, he hoped other parties in another place would prevent it from passing this year.

Mr. *Duncan* was constantly receiving communications from Scotland stating objections to the measure. He felt that it was only common justice that it should be postponed to another Session. He had not received a single letter in favour of the Bill. He was anxious for an amendment of the present law; but, instead of this imperfect measure, they had better wait until next year, when they could get a well-digested Bill.

Mr. *Hastie* opposed strenuously the progress of this Bill, in consequence of the injustice inflicted upon the Irish residents in Scotland by it. By one of the clauses an Irishman was prevented getting a settlement in Scotland; although he might have spent his youth and his manhood in that country, such an industrious man, engaged in manufactures for twenty or thirty years, was liable to be sent to Ireland at a moment's notice. Unless the right hon. Baronet abandoned the clause, he trusted that his hon. and gallant Friend would move that it be committed that day three months. If his hon. Friend did not do so, he certainly would.

Mr. *T. Duncombe* said, that it was rather singular that only on Wednesday evening last, one of the reasons urged by the right hon. Baronet the Secretary for the Home Department, for the rejection of the Scotch Universities Bill was, that no petitions had been presented in favour of it; but to-night, in answer to the remark that there was no petition in favour of this Bill, he replied, that it was not customary to present petitions in favour of Bills, and, above all, of a measure like the present. He happened to know that there existed a very strong feeling against the Bill in many parts of Scotland, and more particularly in several of the large towns. He had no connexion with Scotland; but petitions had been intrusted to him against the measure from many places, some of which had thousands of signatures attached to them. The Scottish labouring classes generally considered that the Bill would place them in a worse position than before, it being altogether destructive of that right of appeal in their favour, which had only of late been discovered to exist.

Colonel *Rawdon* said, that almost every Scotch Member who had spoken on this subject had opposed the Bill, and on the part of the Irish Members there was a united action against it. He begged to move that the House go into Committee on the Bill that day three months.

Sir *J. Graham* would put it to the gallant Member whether, as the objections he and other Gentlemen near him advanced, were objections to details, it would not be better and fairer to discuss them in Committee? He had stated to a deputation of Members, who called upon him at the Home Office, and of which the

one, that he intended to make considerable modification in many of the clauses objected to, adding, indeed, that he was not prepared to say, the principle of the Bill as to industrial residence ought not to be entirely abandoned.

Mr. *Hamilton* thought it well to go into Committee; but certainly, when the clauses in question came before them, they would meet with his opposition unless considerably modified.

Viscount *Duncan* hoped the Members for Ireland would suffer them to go into Committee, on the full understanding that the clause more especially objected to by them, should, in Committee, undergo thorough investigation.

Lord *Claude Hamilton* should feel bound to oppose the progress of the Bill, unless some much more distinct statement was made by the Government as to the obnoxious clauses.

The House divided on the Question, that the words proposed to be left out stand part of the question:—Ayes 90; Noes 38: Majority 52.

List of the AYES.

Acland, Sir T. D.	Duncan, Visct.
Arbuthnot, hon. H.	Duncombe, hon. A.
Ashley, Lord	Fitzroy, hon. H.
Baillie, Col.	Fremantle, rt. hn. Sir T.
Baillie, H. J.	Fuller, A. E.
Baldwin, B.	Gaskell, J. M.
Balfour, J. M.	Gladstone, rt. hn. W. E.
Baring, rt. hn. W. B.	Gladstone, Capt.
Barrington, Visct.	Gordon, hon. Capt.
Bennett, P.	Gore, M.
Blackburne, J. I.	Goulburn, rt. hon. H.
Boldero, H. G.	Graham, rt. hon. Sir J.
Borthwick, P.	Greene, T.
Botfield, B.	Hamilton, G. A.
Bowes, J.	Hampden, R.
Bramston, T. W.	Harcourt, G. G.
Broadwood, H.	Hawes, B.
Brotherton, J.	Henley, J. W.
Bruce, Lord E.	Herbert, rt. hon. S.
Bruges, W. H. L.	Hodgson, F.
Buckley, E.	Hogg, J. W.
Buller, Sir J. Y.	Hope, Sir J.
Campbell, Sir H.	Hope, hon. C.
Cardwell, E.	Houldsworth, T.
Clerk, rt. hon. Sir G.	Hughes, W. B.
Codrington, Sir W.	Hussey, A.
Colebrooke, Sir T. E.	Jermyn, Earl
Corry, right hon. H.	Lincoln, Earl of
Courtenay, Lord	Lockhart, W.
Craig, W. G.	Lowther, Sir J. H.
Darby, G.	Lygon, hon. Gen.
Davies, D. A. S.	Mackenzie, T.
Dickinson, F. H.	Mackenzie, W. F.
Dodd, G.	M'Neill, D.
Douglas, Sir C. E.	Milnes, R. M.
Mundy, E. M.	Sutton, hon. H. M.
Nicholl, rt. hon. J.	Thesiger, Sir F.
Palmer, R.	Wakley, T.
Peel, rt. hn. Sir R.	Walsh, Sir J. B.
Peel, J.	Wawn, J. T.
Pringle, A.	Wellesley, Lord C.
Pusey, P.	Williams, W.
Scrope, G. P.	Wortley, hon. J. S.
Smith, rt. hn. T. B. C	
Smollett, A.	TELLERS.
Somerset, Lord G.	Young, J.
Stuart, Lord J.	Lennox, Lord A.

List of the NOES.

Acton, Col.	Esmond, Sir T.
Archbold, R.	Ewart, W.
Baine, W.	Forster, M.
Bannerman, A.	Grogan, E.
Barnard, E. G.	Hamilton, Lord C.
Bernard, Visc.	Hastie, A.
Blake, M. J.	Hume, J.
Bouverie, hon. E. P.	M'Taggart, Sir J.
Browne, hon. W.	Morris, D.
Clements, Visct.	Morrison, J.
Colborne, hn. W. N. R.	O'Connell, M. J.
Cole, hon. H. A.	Pechell, Capt.
Collett, J.	Rashleigh, W.
Curteis, H. B.	Somerville, Sir W. M.
Dennistoun, J.	Stewart, P. M.
Duff, J.	Villiers, hon. C.
Duncan, G.	Yorke, H. R.
Duncombe, T.	
Dundas, A.	TELLERS.
Dundas, F.	Ross, D. R.
Ellice, E.	Rawdon, Col.

House in Committee.

On Clause 35,

Mr. *Gladstone* called the attention of the House to the expediency of rendering the law clear, that farm labourers and domestic servants were not liable to be rated to the poor. The present mode of rating generally in Scotland was most inquisitorial in its operation. The parochial boards who managed it were not in any way bound to secrecy, and they fixed upon each person precisely such a rate as they pleased. That system might be made the means of much oppression, and, though he was not prepared to say that the English system, as a whole, was applicable to Scotland, he would throw out that that system might be adopted as the basis of an improved system for Scotland. He hoped that the Lord Advocate would indicate his intention of taking the whole law of rating in Scotland into his serious consideration; for he was persuaded that it would be found impossible to allow it to remain in its present state.

The *Lord Advocate* said, with reference to what had been stated by his right hon. Friend the Member for Newark, he would

admit that there were difficulties in the way of assessment; but he had not selected the mode of assessment referred to in this Bill; it had existed for two centuries and more, and he had not ventured to abolish it. He had had representations from many parishes, assuring him that the system had acted satisfactorily. He had by the provisions of this Bill given to every parish the power of escaping from the difficulties of the present system, and had endeavoured to remove the existing inequalities.

Mr. *Poulett Scrope* thought, that if any alteration were made in the law of assessment, it should be permanent in its character. Otherwise they should not interfere with it.

Mr. *Hume* said, if there was ground for postponing a Bill, the want of power to explain how the many cases of difficulty that would arise were to be met, was ground sufficient. The only effect of this measure would be to unsettle that which was now settled. Under this Bill a Scotch proprietor, having 30,000*l.* in the English funds, would be liable to be assessed to the Scotch poor-rate on the full amount of his income; the effect of this would be to drive people from Scotland.

The *Lord Advocate* said that, under the law as it at present stood, all personal property was liable to be assessed to the relief of the poor in the parish in which the possessor of such property resided; and the Bill now before the House did not, therefore, effect any alteration in this respect in the existing law.

Mr. *Escott* complained that funded property was liable to assessment. The practice operated most unjustly, and he hoped that it would not be allowed to continue under this Bill.

The *Lord Advocate* replied, that by the law of Scotland, as it now stood, parties were liable to be assessed to the whole amount of their property; and he did not propose to make any alteration in that respect.

Mr. *Escott* said, suppose a man worth 10,000*l.* a year were to live in lodgings, for which he paid 30*l.* a year, how could he be assessed in the full amount of his property?

The *Lord Advocate* apprehended that in such a case the party would escape altogether from the rate.

Mr. *Ewart* wished to know upon what principle the assessment was to be made; that was, how the income of the party was to be ascertained? was it to be by a return, as in the case of the Income Tax, and if not, in what way?

The *Lord Advocate* said, under the existing law, parties were appointed to estimate the incomes; and in this respect, also, he left the law as he found it.

Mr. *Duncan* contended that these were matters which should be decided by the Legislature, and not left to local parties afterwards.

Sir *J. Graham* said, that the hon. Members who contended for a uniform mode of rating were generally opposed to this Bill. The construction of the Act known as Mr. Poulett Scrope's Act, was to introduce into England one uniform and inflexible system of rating. The Act was very well intended, and was supported by the Government; but it had been found, to a great extent, inoperative, owing to the practical difficulties in the way of carrying it into general execution. It was found that, however desirable that there should be one general system of rating throughout England, yet that, from local circumstances and local peculiarities, it was impossible to carry that object into effect. Circumstances varied in different localities. In Liverpool, for instance, no occupier under 10*l.* a year was assessed to the relief of the poor; in other places no occupier under 5*l.* But by the operation of the Act to which he had referred, every occupier to the extent of 40*s.* a year would be rateable for the poor. The Bill now before the House proposed no alterations, unless to remove doubts in peculiar circumstances. He admitted the difficulties with respect to rating property in Scotland; but unless they adopted the inquisitorial system adopted with respect to the Income Tax, he thought it was much better to leave this to be governed by local circumstances, and the local knowledge of the parties. He had been informed by the hon. Member for Greenock, that in that great commercial and maritime town the mode of rating by "means and substance," had been for a long time in operation, and had given the greatest satisfaction.

Mr. *Baine* could not concur in the objections to this clause. He was sure that the adoption of a uniform rate of rating would

cause great dissatisfaction in Scotland. It appeared to him that the parochial boards would be desirous to give every satisfaction to the ratepayers, and to adopt that mode of assessment most to the benefit of their constituents and the objects they had in view. With regard to the means and substance system, it had been followed in Greenock for a number of years; the one-half being levied on lands and houses, and the other half on the means and substance of the inhabitants other than lands and houses, being very nearly the second plan described in the Bill. The assessment in Greenock was considered in Scotland to be a heavy one, being 6,000*l.* in a town with 38,000 inhabitants. If that mode of assessment were given up, the effect would be to relieve the wealthy inhabitants at the expense of the middle and poorer classes. It was said that it was hard to assess funded property; but, for his part, he could not see the hardship. The mode of assessing on the means and substance was this. A pretty numerous committee was appointed, and among them there were always some who knew something of the circumstances of each individual in the town. They accordingly fixed a sum at which they estimated each man's income, and sent him an intimation of the sum on which they proposed to assess him. If he felt aggrieved, he complained to the board, and they appointed a day on which they would hear the reasons of appeal; and in almost every case an amicable settlement of the matter was come to. They did not assess on incomes below 40*l.*; and on incomes between 40*l.* and 100*l.* they assessed on a reduced scale. On all incomes above 100*l.* the rate of assessment was equal. The best proof that this system worked well was, not that it had existed in Greenock for twenty-eight years, but that all his communications from Greenock were in favour of preserving this mode of assessment.

Mr. *Escott* observed, that if a parish adopted that first method, funded property would not be included in "means and substance," and would not contribute.

Mr. *Darby* would support this clause, chiefly on the ground of the statement made by the hon. Member for Greenock; as he thought they ought not to alter a mode of rating which was found to have already worked well.

Mr. *Edward Ellice* was clearly of opinion that every man ought to contribute to the poor according to what he had—that was, according to his means and substance in the general sense of the term; and he congratulated Greenock that there the people seemed to meet without squabbling to provide decently for the poor. But did it follow that the same sensible course would be followed in every parish in Scotland? There did appear to be a strange obstinacy on the part of the Government—he did not use the word in an offensive sense—in adhering to the term "means and substance" without explaining what was to be understood by the phrase, and how they were to be got at. A meeting had been held in the county of Fife, where resolutions were passed generally favourable to the Bill, but concluding with a strong protest against inserting the phrase "means and substance" without defining its meaning. He objected also to the operation of the measure in cases where resident proprietors were to be taxed upon their whole means and substance, wherever situated, for half the support of the poor in the parish. Take his own case. He was the only resident proprietor in the parish where he resided. The effect of the Bill would be that he would be taxed for one-half the support of the whole poor of the parish, though his property did not amount to one-tenth of the parish. Such a mode of assessment was a premium on absenteeism. He did not say he should leave the parish; but if he did so, he might say, without any egotistical feeling, that his absence would be an injury to the parish.

Viscount *Duncan* said this discussion showed that it was easier to find fault with a measure than to bring forward a good one; but he thought the House ought to leave the clause as proposed by Her Majesty's Government. The local boards would decide which of the three modes of assessment they would adopt; and then there was a safeguard against the operation of local prejudices by the controlling power lodged in the board of supervision.

Mr. *Redington* complained that under this clause an Irishman coming to Scotland would have his whole property rated, while, by the 72nd Clause, they refused relief to Irish paupers. The learned Lord Advocate stated that he did not wish to alter the law of Scotland with regard to the rating; he wished that he would be

equally unwilling to alter the law of Scotland in regard to the mode of acquiring a settlement.

Mr. *Poulett Scrope* said, that his Act was declaratory rather than legislative, and that it had improved the system of rating throughout the country.

Sir *J. Graham* said, that it was the uniform mode of rating proposed in the Act in question, which had proved a failure.

Mr. *Edward Ellice* said, that as the words "means and substance" were not sufficiently defined, he should divide against the clause.

The Committee divided on the Question, that the clause stand part of the Bill:—Ayes 92; Noes 32: Majority 60.

Clause agreed to.

On Clause 53 being put,

Viscount *Duncan* proposed as an Amendment, to add the words on "parochial boards" to this clause. He did not propose this in any feeling of hostility to the Bill, but with the view of allaying public feeling in Scotland against the board of supervision. He felt this so strongly that he should take the sense of the Committee on the subject.

The *Lord Advocate* thought that it would not promote any public object to adopt the Amendment of the noble Lord. He thought it would destroy the independent action and the efficiency of the inspector to have him dependent on the parochial board; but on any reasonable ground of complaint they could always apply to the board of supervision, who would dismiss him. He, therefore, must resist the Amendment.

The Committee divided on the Question, that these words be there inserted:—Ayes 11; Noes 81: Majority 70.

Clause agreed to.

Clauses 51 to 55 agreed to.

House resumed. Committee to sit again.

House adjourned at a quarter past one.

HOUSE OF LORDS,

Saturday, July 12, 1845.

MINUTES.] BILLS. *Public.*—2ª. Administration of Justice (Court of Chancery) Acts Amendment.

Private.—2ª. Saint Matthew's (Bethnal Green) Rectory.

Reported.—Birmingham Blue Coat Charity School Estate; Saint Helen's Canal and Railway; Aberdare Railway; Newport and Pontypool Railway; London and South Western Metropolitan Extension Railway.

HOUSE OF LORDS,

Monday, July 14, 1845.

MINUTES. *Sat First.*—The Lord Wynford, after the Death of his Father.

BILLS *Public.*—1ª. Colleges (Ireland); Waste Lands (Australia); Recognizances for Costs in Bills.

2ª. Administration of Justice (Court of Chancery) Acts Amendment; Constables, Public Works, (Ireland).

Reported.—Dog Stealing.

3ª. and passed:—Administration of Criminal Justice (Lord Denman).

Private.—1ª. Shuldham's Divorce; Lady's Island Lake and Tacumshin Lake Embankment; Monmouth and Hereford Railway; South Wales Railway; South Eastern Railway (Tunbridge to Tunbridge Wells).

2ª. Newport and Pontypool Railway; Aberdare Railway; London and South Western Metropolitan Extension Railway.

3ª. and passed:—Bristol and Exeter Railway Branches; Dublin and Belfast Junction Railway; Reversionary Interest Society; Middlesbro' and Redcar Railway; Waterford and Limerick Railway; Dublin and Drogheda Railway; Newry and Enniskillen Railway; North Union and Ribble Navigation Branch Railway; Saint Helen's Canal and Railway.

PETITIONS PRESENTED. From Guardians of Newcastle Union, for Alteration of Poor Law Act (Ireland) in respect to the Repayment of Money advanced for Building Workhouses.—By Marquess of Clanricarde, from Guardians of South Dublin Union, for Amendment of Poor Law Act (Ireland).—From Guardians of Galway Union, for Inquiry into Operation of Poor Law Act (Ireland), with a view to the Removal of certain evils complained of.—From Guardians of Clogher Union, in favour of the Law of Settlement Act.—From Stockholders, and others, of the District of Yass, for Alteration of Law relating to Territorial Revenue and Disposal of Land (New South Wales).—From Clergy of Parish of Bramber, and several other places, against the Colleges (Ireland) Bill.

LANDLORD AND TENANT (IRELAND) COMMISSION — PROPOSED MEASURES.] The Earl of *Devon* said, he had been in communication with Members of the other House of Parliament, and he found it would be impossible to carry into a law during the present Session of Parliament measures which he intended to introduce founded on the Landlord and Tenant Commission, over which he had the honour of presiding. One of those measures proposed a short form of lease to be executed between the parties, at a reduced expense in every respect, the Government being favourably disposed towards reducing the stamp duty. That was a short Bill; but there was another Bill upon the subject of ejectment and distress, and, in fact, embodying nearly all the recommendations of the Commission. He hoped to be able to introduce both at an early period in the next Session of Parliament.

Lord *Brougham* approved of his noble and learned Friend's intention to postpone the measures to which he had referred. He should have been glad, however, to

have seen the first, which was described as a short Bill, introduced.

The Marquess of *Clanricarde* hoped the measures referred to would be brought in upon the earliest opportunity next Session, and allowed to rest for a short period, so that there might be time to ascertain the opinion of the Irish people with reference to those measures. He had long entertained a conviction, which every year had become stronger, that in legislating for Ireland, Parliament ought to consult the feelings, habits, and perhaps even the prejudices, of the Irish people.

The Earl of *Wicklow* was sorry that the Bills were not to be brought in this Session, as he thought they should necessarily accompany the Landlord and Tenant Bill. He should now expect the noble Lord the Secretary for the Colonies to announce his intention of postponing the latter measure till next Sesson.

BREACH OF PRIVILEGE.] Order of the Day for the attendance of Peter Taite Harbin and John Harlow read.

John Harlow called to the bar, and examined by the LORD CHANCELLOR.

Where do you reside, Mr. Harlow?—At 9, Leicester-square, my Lord.

Have you brought an action lately against Thomas Baker?—Yes, my Lord.

For what have you brought that action; for false and malicious language uttered before the House of Lords in giving evidence before a Committee of this House?—Yes, my Lord.

Have you anything further which you wish to say on that subject?—The only thing I wish to say is that I am very much injured in my affairs by the statement which was made, and which is entirely untrue.

You are aware that a complaint has been made to this House of your conduct in bringing that action?—Yes, my Lord.

And the complaint is, that it is a breach of the privileges of this House?—Yes, my Lord.

Do you wish to say anything on the subject?—I was not aware that it was a breach of privilege at the time the action was commenced; and I hope your Lordships will give me the means of seeking redress, since I have been so materially injured by that statement.

By Lord CAMPBELL; Then you still mean to go on with the action?—I am not at this moment prepared to say that I will.

You are not prepared to say you will not?—No, my Lord.

By the Earl of RADNOR: Are you prepared to say that you have suffered in your business in consequence of that statement before the Committee?—Yes, my Lord, I can prove it; and the statement was perfectly false.

The LORD CHANCELLOR: You may withdraw from the bar, but you must not leave the House.

Peter Taite Harbin was then called to the bar, and examined by the LORD CHANCELLOR.

What are you?—An attorney and solicitor.

Were you the attorney employed by the last person to bring this action?—I was employed by the last witness to bring an action.

Against Thomas Baker?—Yes, my Lord.

For defamatory language?—For defamatory language, my Lord.

Are you not aware that those words were spoken in giving evidence before a Committee of this House?—The Report states that the words were spoken in a Committee before this House.

And that was the foundation of the action?—It was, my Lord.

Do you wish to say anything further on that subject? You are aware that a complaint has been made of your conduct in that respect; do you wish to say anything to this House on the subject of that complaint?—I would observe, my Lord, that the instructions were laid before an able counsel, who advised on the subject, before proceedings were taken, and the action has been brought in consequence of that opinion.

Are you going on with that action?—It is at present pending.

Do you mean to proceed with that action?—I have not had instructions to discontinue it. Perhaps you will allow me to state, my Lord, that the information which Mr. Baker gave before your Lordships' Committee was perfectly unfounded, inasmuch as the conviction has been quashed, and in the Report Mr. Baker stated that he should be able to prove what he stated to be true.

The LORD CHANCELLOR: That is wholly immaterial to the present question. You may withdraw; but you must not leave the House.

The witness then withdrew.

The *Lord Chancellor*: I now move, my Lords, that John Harlow has been guilty of a Breach of the Privileges of this House.

Lord *Brougham*:* My Lords, in rising to address you on what I consider to be beyond all comparison the most momentous question that has been mooted since I have had the honour of a seat in this House, I cannot avoid casting my eye back with some satisfaction over the four years during which I had the honour, by the gracious appointment of my late Sovereign, to preside over the proceedings

* From a Pamphlet published by Ridgway.

of your Lordships; and I account it in every view, both general as regards you, and personal to myself, a matter of great gratulation to me, and possibly, I might say, a source of grateful feeling toward your Lordships, that during those four years, though there were many occasions on which the privileges of this House might be asserted, and, although upon no occasion did I shrink from the discharge of my duty when I felt it imperative on me to support to the utmost those just privileges, yet that no occasion ever presented itself on which I was called upon, as Speaker of this House, to make such a Motion as that which it has now fallen to the hard lot of my noble and learned Friend to make—that Motion for interfering with the strong hand of mere force, or, to mitigate the expression, under cover of our privileges interfering by the strong arm of power with the ordinary administration of justice. I rejoice that I, presiding in the highest court of law—that I, presiding amongst the judges of the last resort in all suits, as well criminal as civil—was never called upon to put from the Woolsack a question which should interfere with the ordinary course of the law, and should by the interposition of this House, and with the arm of power, stay the ordinary administration of justice. My Lords, the subject of Parliamentary privilege was not new to me when I entered these walls. I had the opportunity during a long life passed in Parliament, and upon more than one occasion, of assisting in the discussions which took place in the House below, on what was called, and justly called, the great case of Parliamentary privilege, raised in the discussion affecting Sir Francis Burdett. My Lords, I argued that case at your Lordships' bar, and I will only observe, in passing, that there was another felicity which I now find I enjoyed, and of which I was not at the moment sufficiently aware; for though I argued that writ of error at your bar, though I contended against the privileges asserted by the other House, though, *pro virili parte meâ*, I attacked them, I was not called upon as this attorney is now called upon, to suffer for venturing as an attorney to do his duty to his client. I was permited by that lower House, albeit a Member of it, as your Lordships do not seem disposed to suffer this attorney, to perform my duty to my client, and for half the day I impeached their privilege: I treated with contempt the arguments asserting their usurped right, I exposed, I assailed, I laughed to scorn the assumption of power without right on which that privilege was made to rest. If there be any ground for proceeding here to commit this attorney for doing his duty by his client, in bringing this action for his client, there was then the same power, which the Commons' House of Parliament might have used. They were supposed to have been generally well aware of the extent of their privileges; they were ever abundantly prone to assert them, from the time downward of Holt, who said that they "kept a hawk in the shape of their Serjeant, whom they were obliged to gratify by flying him forth to take his prey from time to time:" with all their disposition in every age of their existence, from the earliest to the latest day, down to the year 1810 (the writ of error was not brought till 1817); notwithstanding that the question was brought before a rival House of Parliament, and that rival House was thus made party to the dispute, nay the judge of its privileges in the last resort; notwithstanding all these feelings, and precedents, and principles, the other House of Parliament suffered that question to be argued, and they allowed me to take my seat every day as a Member of their body, after my assault upon their privileges, without a whisper being urged against my professional privilege when it was used in defence of my client. And this brings me to the body of the argument in the case before us; and I will begin by admitting, whoever may deny them, I am not here to deny that the real just privileges of both Houses of Parliament—for whatever belongs to one House belongs also to the other—are past all doubt. It is the privilege of Parliament—I won't say that it is to be gathered from the assertions or the assumptions of either House—but the privilege of Parliament, whoever may deny it I will not, is this—and it must ever be guarded most sacredly by Parliament, as necessary for its very existence, and much more so to enable either House to perform its duty—its privilege is to remove all obstruction to the discharge of that duty—to liberate any Member of either House respectively by the vote of that House, if he shall be constrained in his person; to inquire, and for that purpose to call all persons before them, treating such persons when called,

as witnesses would be treated in all courts of justice ; to examine all who shall be called before them, and if they will not answer, to commit them—if they prevaricate, whether they are examined on oath here, or not upon oath, as in the other House, to commit them for that prevarication—I will add, not for the purpose of punishing perjury, because there is a punishment awarded to that offence by the law, to be inflicted after trial and conviction ; moreover, to break open repositories for the purpose of obtaining evidence, to break open outer doors, to enforce the attendance of witnesses, and to compel witnesses to attend, and when attending, to answer. All these things are clear privileges, together with the absolute freedom of speech to the Members of both Houses — which, by the by, is a statuary freedom, though by a declaratory, not an enacting law—the freedom from arrest absolutely, and from all personal constraint. All these are the privileges which I admit to be sacred, imprescriptible, inalienable, and absolutely necessary ; and it is on that absolute necessity for the very existence of Parliament that I ground my clear and unhesitating admission that such privileges do by law exist. But when I am asked to go a step further, and concede to each House the power claimed by both—claimed inferentially by the other House, and insinuated by this, though clearly asserted by neither —a claim by each to have the power of determining, from time to time, what are its privileges ; and from time to time, as occasion may arise, to declare what constitutes a breach of those privileges ; and to inflict punishment on the parties who shall be declared to have violated them : —here I must needs pause ; for this is taking into our own hands a judicial power ; nay, more, it it is making ourselves lawgivers, declaring our own laws, each House for itself, and without the intervention of the other House, or of the Crown. In the second place, it is making ourselves prosecutors for a breach of the law which we have thus made for ourselves, and when we ourselves are the only parties to the act of legislation. Thirdly, it is making ourselves judges without jury, to try the offenders declared such by ourselves ; so that we, ourselves, proceed by ourselves, for offences, declared by ourselves to be committed against the law made by ourselves for ourselves, and without the assent of the Crown. And, lastly, we are condemning as well as trying parties brought before ourselves, for injury done to ourselves, against a law made by ourselves ; and, as if that did not fill the measure of this lawless power, as I call it, or, at all events, this irresponsible power, we take upon ourselves the execution of the sentence we ourselves pronounce upon our own judgment of condemnation ; following our own prosecution for injury done to ourselves, against our own laws, made at our own good pleasure, by our own mere authority, for our own behoof, but which laws are never promulgated till the case has arisen, and till we make a rule to meet it. This is the final measure of the cup of power, which you call privilege, as you fill it to the brim, nay, even to overflowing ; and it is against this that I most humbly, but most confidently take leave to protest ; it is against this that I enter my solemn dissent, not merely on behalf of the Crown, not on behalf only of the other branches of the Legislature, but on behalf of the people of England, and on behalf of their most sacred liberties, do I enter my protest ; and suffer me to add, without offence, that I enter this protest on behalf of another body—I don't mean merely the lawyers and the judges, and the law and the administration of justice in Westminster Hall, but on behalf of the highest court of law in this land—on behalf of the ultimate court of error—of that court at whose hands is sought remedy and redress from all other courts, if any wrong has been done or error committed —on your behalf, my Lords, and for your sake, who are the hereditary judges of that supreme tribunal, I protest against this anomalous, and inconsistent, and selfish, and repugnant power, which is sought to be assumed and exercised by this House —the highest tribunal of justice in this country—which ought, above all, to set an example of not violating the law, and of not erring against the eternal principles of universal justice. My Lords, you are now called upon, for the first time in the history of Parliament since I have been a Member, and I believe almost the first time in any period of your history, to interfere directly—I say, directly—and with the mere force of your own privileges, to drag a plaintiff before you, and to stop an action lawfully commenced in one of the courts of Westminster Hall, for an injury alleged to be sustained by our fellow-sub-

ject, who is a subject also of the Crown. Former privileges were of another complexion. Sir Francis Burdett brought his action against the Speaker for taking him into custody because he refused to obey the order of the House. That was a very different case from the present. Here is a case of civil right which attaches to an individual; it is a right vested in that individual; it arises out of a wrong and a grievous injury inflicted on that individual, upon a complaint in which we have been informed, for we must take the whole together, that his character has been falsely and maliciously slandered by some other person; that he has been greatly damnified by this slander; and that for this same slander he has sought redress, as by law he might, by bringing an action in a court of law against the party so injuring him, in violation of the law. What are your Lordships now called upon to do? To pronounce that the action thus brought is a breach of the privileges of this House! You have examined the party at the bar; you have been driven to an act of no ordinary magnitude; you have gone the strange, the unheard-of length, of making a party disclose what his case at law is, when, for aught that appears, except from the statement of the opposite party—for the declaration does not say that the words were spoken before the Committee—the action may have been brought for words spoken anywhere else. The party called to the bar would have had a full right to answer, "I wish to try my action before a judge and jury, and if your Lordships will allow me, I had rather not disclose my case in the presence and hearing of my opponent." How would your Lordships have liked it, if you had brought an action against a tenant or against an opposing landlord, and if, even before a plea had been pleaded and the action brought to issue, you had been compelled to declare before us, in your adversary's hearing, what you meant to do? With that, however, I have finished; upon it I will say no more. I have protested generally against it, saving for myself a full argument on the other parts of the case. You now say that it is a breach of your privileges to go on with the action. If the plaintiff threaten to proceed—nay, for aught I know, if he says, as he has said at your bar, that he does not intend to stop the action—nay, even if his attorney shall have said that he has at present no instructions to discontinue it—you will straightway vote it a breach of your privileges, and you will instantly send the client and his attorney prisoners to Newgate. That is what this House is about to do, and to do for the first time. The House so acting is in a very different position from the Commons' House on more than one remarkable point, inasmuch as the other House does not examine any man upon oath, whereas you always do; inasmuch as they have no judicial character, and you are judges in the last resort and in the highest tribunal; and inasmuch as this very action may be brought ultimately before you in your judicial character on a writ of error. Yet you, the court of the last resort, say that you will not permit the plaintiff to prosecute this action, you will not allow him to lay the foundation of his coming before you as a court of appeal. You say, "We will not permit you to go on, we will punish you if you go on with this action in an inferior court, from which, in case of error, lies an appeal to us." There is another difference. I can well understand a person consistently saying in another assembly, "We will not allow an action to be brought; we will stop it by main force, because an action brought will be referred to the Judges; from their judgment there may be an appeal, and it will at last come to the House of Lords, so that we shall commit our privileges to a rival assembly, and hand over our rights to a rival candidate for civic and judicial honours; we will not, therefore, part with our power; we will not give the staff out of our own hands; we will not leave it to the Judges to determine what they believe to be our privileges." But this does not apply to you. If you are afraid of the court below, an appeal lies to yourselves. If in that court there should be evidence admitted that ought to have been rejected, or rejected that ought to have been admitted; if the sentence be in any particular unjust or illegal; if the judge's charge to the jury be in violation of the law; if his sentence on the verdict be unjust; if in any way whatever you think you have not had justice below, a writ of error brings the case here, and then, whether you will or not, then, although you may be parties to the suit, *ex necessitate*, you must be the judges; and *ex necessitate*, you have in your own hands the power of ultimately righting yourselves, which the Commons

never can have; on the contrary, if aggrieved in the courts, they must resort to you, and trust in you for redress. So far, then, as to the material points of difference between the two Houses of Parliament, with respect to stopping the action. It is said, that you cannot carry on those investigations which are essential to the proper discharge of your functions, unless your witnesses are protected. And no doubt they must have protection—they must be protected, going, stopping, and returning, from all violence and from all illegal interference. They must feel, too, that they can give their testimony without the slightest apprehension of danger to themselves, from any violence, from any unlawful act; but I am yet to learn that it is at all necessary they should be protected against the ordinary course of the law, if in giving their evidence they have committed an infraction of that law under which they do not cease to act when they enter your gates. It is said, how fruitless to examine a witness, if he is liable for the evidence he gives, to be questioned in a court of justice. But does that prevent him from speaking the truth? If you compel him to state that which slanders his neighbour, and his neighbour brings an action, provided what your witness has spoken be the truth, he must get a verdict. He, therefore, runs no risk, is liable to no danger, for the law is his protection. Only see how marvellously inconsistent is the argument, that, in order to give him protection, this House must stop the action, and commit the parties to it. A witness swears before a Committee of this House to certain facts, and swears falsely; though your Lordships do not prosecute him, he is still liable to be indicted for perjury by any two individuals who heard him give his evidence, though they should be the doorkeepers or any other attendants on your Lordships' House. Such is the end of the doctrine of protection. The protected witness is indicted for perjury; —what is the issue upon the indictment? The truth or falsehood of the thing sworn. And what is the issue here, if a justification be pleaded to the action for slander? The truth or falsehood of the thing sworn; the very self-same issue; the one being a civil case, an action for damages; the other a criminal case, a prosecution for perjury. So much for the consistency of the advocates of privilege. No man pretends to deny, or even affects to doubt, that your protected witness, who must on no account be vexed by an action for slander, may be harassed with an indictment for perjury, presented by any one who chooses to buy sixpenny-worth of parchment, and send a bill before the Grand Jury at the Westminster Session-house. But then it is said, that is not a private suit, it is a prosecution at the instance of the Crown. But the name of the Crown is used, and that is all. The real party is the private prosecutor. But, suppose it is, as this mere quibble would describe it, a Crown prosecution, and at the instance of the Attorney General himself, how does that mend the matter? Is it, indeed, come to this? Are our boasted privileges only good against the people? You have no privilege as against the Crown. Your "spear of privilege," as Sir F. Burdett called it, falls impotent from your grasp as against the Crown; but, as against the subject, as against the private plaintiff in an action, as against the people, it is omnipotent. It has been considered that the great advantage of privilege was to shield the people against the Crown; but now it turns out that it is impotent for the people and omnipotent for the Crown; that it is powerless against the Crown, and all-powerful against the subject. Then I pray you to consider a little what the consequence of all this will be. I don't mean to menace you with any formidable consequences; I speak only of logical consequences in the argument of strictly legal consequences. You commit the party and his attorney. But does that put an end to the action? Or you refuse the defendant leave to plead, can that stay the proceeding? No such thing; the action remains; the action goes on. I find that a gentleman of the bar, who is not named, gave an opinion under which this action was brought. He gave sound and lawyer-like advice; but for doing so, he is liable to be visited, as well as the plaintiff and his attorney, with the displeasure of your Lordships' House, and sent to prison. Still the action is not stayed, even for an hour. It goes on as much as before; Parliament is prorogued; another attorney is found to carry it on, unless Parliament should meet in order to incarcerate him; and even if it did, another would still be found; but if Parliament imprisoned one after another, until they had all the attorneys of the country in gaol, the

action would still be in court, awaiting the decision of the Judges. You say you should not allow the party to plead, because it leads to the discussion of the case before the Judges. But suppose there is no plea, then there will be interlocutory judgment signed as of course for want of a plea; a writ of inquiry will issue also of course; the sheriff must act according to the exigency of the writ, and the damages must be assessed; and if a writ of error be brought, that will only bring the cause here, and here proceed it must, for we can hardly proceed against ourselves for breach of our own privileges. *Non meus hic sermo*—this is what has been stated by Mr. Justice Patteson and the Lord Chief Justice in the arguments on Howard's case. I have such high legal authority for saying that that is the law of the land, and that such will be the consequence of your proceeding. Therefore, you have but one course—face it, follow it; do all or do nothing. Don't be powerful by halves, any more than just by halves. Don't have your privileges any more than your rights by piece-meal. If you have a privilege, defend it—if you have a right, exercise it; and what does that mean?—why, that you should commit judges and jury, and at once set Parliament in irreconcilable conflict with the courts of justice. Irreconcilable, but also mortal conflict! For it will be your privileges and yourselves that will be involved in destruction! But in the tempest which you shall have so bootlessly, so recklessly, so senselessly conjured up, there will, through its turbulence, and its lowering darkness, shine forth a light to which all good men's eyes will be directed for comfort and for safety; not the lurid light of privilege which the law had extinguished, but the pure and steady light, tainted by no corrupt vapours, blown about by no factious blast, the light which the law derives from the untarnished sources when justice flows. Then we shall no longer have to perform the easy task of being both parties and judges—then we shall no longer stand upon that bad eminence to which our demerits have raised us, of being the only power in the country which is itself to determine in its own favour—then we shall be no longer the only party who will not appeal to that law which is equally for the protection of all, or appeal to those Judges who administer the law equally for all. And, after all, seeing that one branch of the Legislature ever appeals to the law, no one supposes this resort either lowering to its dignity, or perilous to its rights. The Sovereign is always judged by the law, and surely his existence as part of the Constitution is at the very least as ancient as yours. I know that antiquaries have held that there was great doubt if a Parliament existed, as it is now constituted, before the period of legal memory. There was the Wittenagemot of Saxon times, and, more recently, the Colloquium, which, after the Norman Conquest, obtained the French name of Parliament, a name that abroad expressed not a legislature, but a court of justice; yet antiquaries have maintained that it was not until the period of Henry III., some years after the great charter was passed by the Barons, not by the Commons, that there was what was then called a House of Parliament. Be that as it may, for I disdain to inquire into such trifles, there was, at all events, a King. No one doubts that. If the Houses of Lords and Commons existed not, there was a Crown, and although the ancient Executive Government of the country possessed much influence and great power, yet I do not find that the Sovereign then ever arrogated to himself anything like the privilege which you pretend to. So it was under the Plantagenets, and afterwards under the Tudors and the Stuarts. So it is to this day. If a subject has been encroached upon by the Crown, the subject goes before the Judges, who administer the law, and the Sovereign meets him without any pretence of a privilege to supersede the law. If a wrong is committed against the Crown, the Crown prosecutes, by its law officers, and abides the decision of the Judges of the land. Then why should not Parliament deem itself as safe with respect to the rights and privileges it claims in going before the Judges as the Crown does, which never dreamed, from the beginning of the time when it exercised any privilege, of adopting any other course than that of going like a subject before the Judges! The Crown is constantly in the habit of issuing Commissions before which witnesses were examined, who require protection as much as those coming before Committees of this House; indeed, Committee and Commission are convertible terms. If, as before a Committee, a witness examined by a Crown Commission should slander his neighbour, and in doing so perjure him-

self, that neighbour may indict him for perjury, or bring an action for reparation in damages: and I should like to know whether there ever existed an Attorney General, not excepting Noy, nay, supposing Noy to have been Attorney General when Jefferies was Chief Justice, he never would have dreamed of saying in such a case, as is said in this, "Unless our witnesses are protected we cannot carry on our inquiry, and instead of going before the Judges we call upon you, the Sovereign, to proceed upon the privilege which is vested in you, and commit those persons who have dared to bring this action against a witness examined by your Royal Commission." No man was ever insane enough to give such advice even in those days when the prerogative of the Crown was exercised in its strongest and most oppressive form. Protect your witnesses, we hear it said; this is the whole end and object of the present ill-omened proceedings. I too say, protect your witnesses; but protect them lawfully—protect them as all courts protect theirs. No power can stop an action brought against a witness in any of the courts, and yet it is quite as necessary to protect witnesses in other courts as in this House. We hear it currently said, that privilege is the protection of Parliament against the Crown; and it arose, certainly, in times very unlike the present, when the Sovereign and the Commons were in habitual conflict. But now the Crown and both the Houses are ranged as regularly on the same side of every question. If Pym, and Hampden, and Coke, the leaders of the Commons—for the claims began at first with the leaders of the popular party in the House of Commons—if these illustrious patriots had lived to see the time when there is no longer any apprehension of the Crown; when the Crown and the Ministers, and both Houses of Parliament, all understand each other, and work together so harmoniously; when the only possible cases of privilege must be, not against the Crown, but for the Crown—for Parliament and the Crown in this particular, have become one and the same—we should not have heard the Cokes, and the Pyms, and the Hampdens asserting these claims. The stern voice of prerogative, it has been well said, has now given place to the soft whisper of influence, and all privilege of Parliament insures to the use of the Crown. But admit that Parliament, as against the Crown, might have recourse to these high privileges, I may remind your Lordships of the excess to which the Commons carried their success in the year 1641, when they established the claim. In that year the Commons clothed themselves with the power of seizure and committal—the next year, 1642, an order was issued by the single House of Parliament, without the Crown's consent, without the consent of the House of Lords, for marshalling the trained bands; another order was issued for raising two troops of horse, to defend the Parliament, to protect its privileges; and a third order was issued to levy money for the sake of protecting those claims of privilege which were made by the Commons themselves. But the trained bands and the troops of horse were used not only to protect the privileges of the House, they were used to put down the Lords, to imprison the King, and to overthrow the monarchy by destroying the King's person; the votes of money were to afford the sinews of war, in order to secure privileges which the House grasped at in defiance of all the privileges and all the rights of the Crown. Nor is it unfruitful to the present purpose when we are asserting our privilege on the ground of former precedents, that is, of former acts done by our own House, that we should recollect what kind of things those precedents would justify. If I were to read to your Lordships all the privileges which you have still existing in your Journals and your Standing Orders, some of you would start to hear them recited. I shall not go back to the time when, I find that an honest gentleman from the Principality of Wales, in the reign of James I., of learned as well as high prerogative memory, for presuming to say that the King's son-in-law, the Elector Palatine, was "good man Palsgrave," and that his daughter, the Princess Elizabeth, married to the Elector, was "good wife Palsgrave," was sentenced without trial to be carried on a horse from Cornhill to Charing-cross, with his head to the tail of the animal; to be placed twice in the pillory; to be fined 5,000*l.*, and to be imprisoned in Newgate for life. But I will go to more recent times. After the Revolution of 1688 and 1689, you made Resolutions, in the shape of Standing Orders, that the servants of Members of Parliament of both Houses should have the same privi-

lege of exemption from action and arrest which their masters had. Another Standing Order, never repealed or modified, is that no person shall touch the goods or chattels of a Member of this or the other House of Parliament, taken in execution; they are all to be given up to the owner, the privileged debtor. Then there is an order of this sort: lives of living Peers may be written; but there is an Order, made 7th George I., declaring it to be a high breach of the privileges of this House in any man to presume to write the life of a deceased Peer, without leave of his heirs, executors, or administrators; and I recommend this Order to the attention of my noble and learned Friend, who is understood to be writing the lives of Lord Chancellors, and who is a mighty stickler for our privileges on the present occasion. There are other privileges which I might mention, and which show how inconsistent we are towards the public, and how little we enable the people whom we punish for offending, to know what law of privilege they may safely break, and what law they must obey. The Orders of this House prohibit the bringing an action or suing out any process against any of its officers as well as against any Peer. I would recommend your Lordships to consider with yourselves, necessary as it is, that we should be protected against the Crown, whether we should not have as good protection from the law of the land in its ordinary exercise, as from any privileges, that is, any power, we can exercise. Suppose the Crown to be against you, now, when in the words of the great writer I have already quoted, "the stern voice of prerogative has yielded to the milder whisper of influence, and the blandishment of authority has supplied the place of power." The advocates of privilege say this power is absolutely necessary. What will you do with the Crown against you? My answer is, you will do better with the Judges, as against the Crown, than with your own privileges as against both. If the Crown is against you, I defy you to carry your high privileges against it. There is a Standing Order on your Journals, which is never executed, giving your Lordships the power of directing all constables and justices (that is, magistrates), to do what you please in suppressing riots in the vicinity of the House, and in keeping the streets clear. Suppose there is a riot, and suppose the justices, who are the King's justices, not yours, decline to obey. Or suppose you find you cannot, though willing, suppress the riot, with the assistance of all the constables in Westminster and all the justices in Middlesex, what will you do? You say, indeed, "justices and others," and others comprises commanders of the forces. Will you send a message to my noble Friend (the Duke of Wellington) and to the Horse Guards? If you send to my noble Friend a petition or a suggestion, he may think it right to send some troops to suppress the mob; but I do not so clearly foresee what he would do if you sent an order. He would know very well that the troops are not the troops of your Lordships, or of the other House of Parliament; and he would further know that he is not your servant, but the Sovereign's. My noble Friend knows that it was in the interference of the Parliament with the army, which belonged to the Crown, that the great rebellion had its origin; and he would be the last man to follow such an example, or help you to follow it. But happen what may—come the assault on us from what quarter it may—I think it most clear, my Lords, that we need have no fear from the Judges of the land; they are, amongst all men, and all bodies of men, the first to show a respect to this House; and they will be the last to shrink from supporting your privileges when the acts of your servants or officers are discussed in courts of justice. Let us ever bear in mind the respect due to the law, of which we are the highest depositaries; ever be ready by the law to have all our rights decided, by its oracles all our claims adjudged. To the courts where it is purely and calmly admitted, let us all willingly resort for justice, and never lose sight of the good maxim, that in keeping together the great social pyramid of England, its strength resides not in the apex of the Crown, not in the region of the people, not in the broad low base of the multitude, but in that middle region in which justice is administered according to law by lawyers; and above all, by lawyers who are no politicians. It is because they are chosen out and set apart as a peculiar people, zealous of good works of justice—it is because politics never cross the threshold of their courts, or interrupt the calm and equable tenor of their way—it is therefore that your Lordships ought to rely with confidence on the

protection which your privileges will receive at the hands of those who administer justice in our tribunals.

The *Lord Chancellor* said, that he quite agreed with his noble and learned Friend, in considering that this question was one of very great importance; but before he addressed himself more immediately to the question itself, he wished to point out to their Lordships the situation in which he stood with respect to it. A noble Duke (the Duke of Richmond) presented a petition from a party, complaining that an action had been brought against him in consequence of evidence given by him before a Committee of their Lordships' House. It was their Lordships' pleasure that the question should be investigated, and a Select Committee was appointed to inquire and search for precedents; and he (the Lord Chancellor) felt it to be his duty, in consequence of that preliminary step, to bring forward the Motion which had given rise to the present discussion. In the position which he occupied in their Lordships' House, and in the character with which he was clothed, he now stood forward to lay before their Lordships, plainly and shortly, without adverting to any inflammatory topics, what was the real position of this question, what was the nature of it, and what the authorities upon which it rested, in order to enable their Lordships to come to a decision, and, after they had duly considered this important question, to pronounce what course they ought to pursue. His noble and learned Friend had referred to several precedents, which were, he (the Lord Chancellor) admitted, of a very absurd and extravagant kind. Undoubtedly both their Lordships' House and the House of Commons had, under the show of supporting their privileges, conducted themselves, upon more than one occasion, in a very arbitrary and tyrannical manner. The Sovereigns of this country, at different periods, had also abused their power and authority; and their Lordships would give him leave to add, that the people themselves, when, by accidental circumstances, clothed with authority, had in more than one instance exercised that authority in an arbitrary, tyrannical, and despotic manner. But these were not the questions for consideration at present. The question was, whether, under the circumstances of this case, they ought to interfere by interposing their authority to stop proceedings against this individual. The first thing to consider was, what were the circumstances and facts of the case? This witness was summoned before a Select Committee appointed to inquire into the Law of Gaming, and the state of that law at this moment. He was compelled to attend by their Lordships' summons, and to answer the questions put to him. There was no pretence to say, as far as appeared at present, that those answers were not fairly and honestly given. The proceedings of the Select Committee were not open to the public; but in consequence of the evidence, some way or the other, having been made public, this action was brought against the witness. His noble and learned Friend seemed to doubt whether there was sufficient evidence in what had been stated at the bar to-day to show that the action was brought to recover damages in consequence of the evidence given before the Committee. That question was investigated by the Committee appointed to search for precedents; and every Member of that Committee was satisfied that the action was brought to recover damages on account of the evidence so given, and on account of that evidence alone. They had the declaration before them; they compared that declaration with the evidence given before the Committee. It corresponded in every word; it corresponded in questions, and it corresponded in answers. It did not consist of one or two phrases, but of a long succession of testimony, consisting of questions and answers so as to render it impossible for any man to doubt that the action was brought upon the evidence so given before their Lordships' Committee. He apprehended that it was not necessary to call the parties to their Lordships' bar, except for the purpose of giving them an opportunity to explain their motives, and set themselves right before their Lordships. The parties had not thought proper to adopt that course; therefore it was that he (the Lord Chancellor) made a Motion that the parties had been guilty of a breach of their Lordships' privileges, in order that when their Lordships should have received everything that could be advanced upon the subject, they might come to a decision upon that point. It had been said, and very correctly said, both now and on former occasions, that no action of this kind could be maintained in the courts of Westminster Hall; that when the plaintiff got into court, he must be nonsuited as a matter of course; and therefore his noble and learned Friend (Lord Brougham) suggested how unnecessary it was for their Lordships to adopt these pro-

ceedings, and how unwise it was not to allow the law to take its course. The answer he (the Lord Chancellor) would give to this was short and simple. Here was a witness compelled to give evidence; an action was brought against him; he (the Lord Chancellor) would assume, that when the action was brought into court, it must naturally fail, and he would assume that the plaintiff would have to pay the costs of the defendant. But every one acquainted with the administration of justice, and of the course of proceeding in the courts of law, knew that, notwithstanding the verdict or judgment was in the plaintiff's favour, and notwithstanding he might be entitled to recover costs from his opponent, yet the consequence might be, that he would still have to pay a considerable amount of costs out of his own pocket. He would be entitled only to what were termed taxed costs, and those taxed costs fall very short, in the course of the administration of justice, of the real costs the party is put to; so that this individual, who had been compelled to come before the Committee to give evidence, was to be dragged into a court of justice in a case in which it was admitted he must succeed, and after going through all this disagreeable proceeding, he must be saddled with costs, it might be to a large amount. But this was only part of the case. Everybody who knew anything about the administration of justice, knew how many accidents there were liable to happen in the progress of a cause. His noble and learned Friend had said that the party must plead to the action. Allow that he did; if he made any slip in that pleading, the consequence would be, that he would have judgment against him, and the whole costs of the suit must be defrayed out of his own pocket. So that their Lordships had not only to consider that this was a case in which, if the cause were tried, the defendant must necessarily be successful; but that it was one in which he would possibly, even in that case, have to pay extra costs; and further, it was a case in which he was exposed to the risk of some slip or error being committed in the course of the pleadings, and in consequence of which he might not only have to pay all his own costs, but the costs of the party who had dragged him into court. Was it not of importance to protect a witness who was placed in such a situation? What could be of more importance to their Lordships, in the exercise of their important powers as legislators, than to appoint a Committee to inquire into facts, to serve as the foundation of their legislation? It was their Lordships' constant practice to inform themselves by a Select Committee of those facts necessary in order to guide them in their proceedings. How important was it that they should secure the first and great duty of a witness—to speak the truth; to do which he ought to be unfettered: but if the witnesses called to give evidence before their Committees knew that they were subject to an action for what they stated, what practically must be, in the long run, the result? Why, most surely this—that they would only answer those questions which they felt themselves obliged to answer, and would withhold everything they were not obliged to disclose: whereas the interest of good legislation was, that everybody called as a witness before a Select Committee should answer fully and freely, and, to the extent of his knowledge, disclose all he knew for the benefit of their Lordships and the country, as a guide to their legislative proceedings. His noble and learned Friend seemed to consider it most extraordinary that they should interfere for the purpose of stopping a suit in a court of justice. It did appear to him (the Lord Chancellor) very whimsical, considering the station of his noble and learned Friend, his eminent attainments, and the fact that he had himself presided at the head of the Court of Chancery, that he should have urged an argument of that description. Why, it was the everyday practice in the Court of Chancery to interfere for this purpose. If any action was brought against an officer of the Court of Chancery, in the performance of his duty, for anything done by him under the direction of the Court, does the Court of Chancery allow a court of law to take cognizance of the matter? No; the course was, for the parties so proceeded against to apply to the Court, and the Court immediately proceeded to stop the suit—an injunction was immediately issued; and if the party dared to proceed after an order had been given to discontinue the suit, he was immediately put in prison, and remained in custody until he conformed to the authority of the Court. But his noble and learned Friend said that if the party were taken into custody, the action might still proceed. Was that the case? By no means. The moment the Court interposed the action ceased; and if either of the parties, solicitor or plaintiff, disobeyed the injunction, both were put

into prison. The action could not go on without agents. The action slept, as a matter of course, until somebody undertook to carry it on; and if any other person did so interpose to carry it on, then another step would be taken, and he would be proceeded against, and the same consequences would follow. This was analogous to the course their Lordships were now pursuing, and which was now under their Lordships' consideration. If the parties were, by their Lordships' order, which was now prayed for, ordered not to proceed further, and if they nevertheless did proceed, they would be committed for contempt. They might be so committed in the first instance, for having instituted the action. If any other parties took up the action, the same consequences would fall upon them. This proceeding of the Court of Chancery was not confined to the officers of the Court, but extended to any one not regularly an officer, who acted under the authority of that Court. Whenever an action was brought against a receiver appointed by the Court for anything done by him in his character of receiver, the instant an injunction was prayed for it was issued; and if not obeyed, the party was immediately committed. The same case applied to Commissioners of Revenue. Then his noble and learned Friend asked, what were they to do next if the parties persisted? Let the parties try whether their Lordships would do anything. The Court of Chancery always knew what to do; and what did the Courts of Common Law do? They allowed the authority of the Court of Equity, and so would those courts of law allow this authority which was about to be exercised by their Lordships. Then his noble and learned Friend supposed that there would arise some conflict of jurisdiction between the House of Lords and the courts of law; but there was no occasion for any such conflict. All that their Lordships had to do was, to commit the party for contempt; and if any attempt were made by the party to bring the case before the courts of law, those courts would acknowledge the privilege of their Lordships' House under which the committal was made, and would immediately refuse to interfere. It was possible that some warrant might issue, and that there might be some defect in it; and that the Court of Queen's Bench might, on account of that defect, interpose and run counter to their Lordships' authority and to their jurisdiction; but the Court would not run counter to their Lordships on principle. Lord Denman said, in the late case in the Court of Queen's Bench, that the Court was bound to respect the privileges of Parliament, and that the Judges had no right to inquire into the authority of the House of Commons; every court and both Houses of Parliament were the guardians of their own privileges. If there were entered upon the record the allegation of privilege, and if there were no defect in the warrant, in that case the court would not interpose. What did Lord Denman say? He said, that there had been an excess—not an excess of authority in issuing the warrant —but that the officer had done what the warrant did not justify. Their Lordships need not be afraid that the courts of justice would interfere with their privileges; becaus it was one main principle of the courts of law, that the privileges of the two Houses of Parliament were to be respected, and that the courts could not call them in question. His noble and learned Friend (Lord Brougham) had said, that the privileges of the two Houses of Parliament were identical. He (the Lord Chancellor) admitted that his noble and learned Friend was perfectly correct in that proposition. But what did the House of Commons do the other day? They were precisely in the same condition as that in which their Lordships were. They had interfered to prevent a party proceeding against a person who had been examined before a Committee of that House; and the only reason why the House of Commons had not proceeded was, that the parties had submitted to the authority of the House, and the action was discontinued. But if their Lordships went upon precedents, there was the case of Biggs, which occurred in 1768. A justice of peace, by the order of their Lordships' House, dispersed a mob that had collected around the House and disturbed their Lordships' proceedings: he seized an individual and carried him before the Lord Mayor; an action was brought against the magistrate for false imprisonment; that gentleman brought his case before their Lordships; the plaintiff and his attorney were summoned before the House; the plaintiff submitted to their Lordships' authority, whereupon he was discharged; but the solicitor choosing to persevere in the action, he was committed to Newgate; but after having been confined nine or ten days, he also submitted to the authority of the House; he was then brought to the bar, reprimanded, and

discharged. It was much the same in what was called the Umbrella Case. A good deal of ridicule had been thrown upon that case on account, he believed, of the absurdity of its name; but it was perfectly the same case as the rest in point of principle. It was an Order of the House, that no person should be allowed to appear below the bar with a stick or umbrella. A person came with an umbrella. The messenger removed it to its proper place. The party brought an action in an inferior court, and the House protected the messenger. Why? Because what the officer did was done in the discharge of his duty. All the cases went to show that the authority now claimed to be exercised had been exercised in former times, and had always been considered an essential privilege of this House; and that, whenever called in question, it was necessary that their Lordships should assert their privileges, otherwise they might by some be considered abandoned, and thereby they would be lost. His noble and learned Friend seemed to consider that their Lordships should only interfere when there occurred some direct obstruction to their Lordships' proceedings. That was not the principle upon which Parliament or the courts of law had proceeded. They had proceeded upon quite a different principle. If anybody libelled a court of justice with respect to any past matter, what was the course pursued? The court committed the party for contempt. He could cite the authority of Lord Hardwicke in support of that proposition, that any libel upon a court of justice subjected the parties to committal for contempt. The same was said by Chief Justice Willes, in the case of a prosecution against Hamilton, a publisher; he said, that although it was not a direct obstruction, yet it was a contempt, and the party must be committed. The other House of Parliament laid down the same doctrine as was established by the courts of justice, by the King's Bench, and afterwards by the Exchequer Chamber, on a writ of error being brought in the case of Sir Francis Burdett, and, indeed, in every other case. There was no direct obstruction to the House of Commons in the Burdett case. It was a publication by Sir Francis Burdett, which was considered to be a libel by the House, and, therefore, a breach of its privileges. When the case came before the King's Bench, they expressed the same opinion, and it was afterwards ratified and confirmed by the Exchequer Chamber. There appeared to him (the Lord Chancellor) no foundation whatever for the distinction which his noble and learned Friend had drawn, that there must be a direct obstruction to the proceedings of their Lordships' House, in order to justify their interposition, and in order to consider whether their privileges had been violated. Constructively, he considered anything which brought disrespect upon their Lordships' House, or which checked their proceedings in any way, was a breach of the privileges of the House, and called upon their Lordships to interfere. He had now stated this case to their Lordships as shortly and clearly as the circumstance would admit. He had stated the facts out of which it had arisen, and what the consequences would be if their Lordships allowed a witness examined before their own Committee to be proceeded against, with a view to have his evidence called in question in a court of justice. He had shown their Lordships that the courts of law acted upon the same principle to prevent parties from proceedings in such actions; and he had referred also to precedents which would justify their Lordships in interfering in the present case. He had done this in order that their Lordships might have the power to take the whole of the circumstances into consideration before they came to any determination upon the subject.

Lord *Brougham* explained, that he had not meant to deny that by precedents their Lordships had the power. All the drift of his argument went to deny the expediency of the House ever interfering except to stop positive obstruction. With respect to the analogy of the Court of Chancery granting an injunction, as quoted by his noble and learned Friend on the Woolsack, that had no bearing upon the present question. The reason the Court of Chancery stopped proceedings was, because the case tried was in that court, which would not allow another court to interfere with its jurisdiction. And why? Because the Court of Chancery would itself do justice and give redress. If the House would say that they would give this party redress without going before a jury, that would be a different case altogether.

The *Lord Chancellor:* The party might come to the House and complain; and if the House was satisfied there was good ground for complaint, it would be competent for their Lordships to give him leave to proceed. In Chancery the case was referred to a master.

Lord *Campbell* said: It had been said

that great unpopularity would attach to any proceedings which their Lordships might think proper to take in the maintenance of their privileges. Of that unpopularity he was ready to take his share; for he had no hesitation in declaring it to be his firm belief, that a firm and constitutional course in the vindication of the privileges of Parliament was most certain ultimately to turn to the benefit of the people. His noble and learned Friend who first addressed their Lordships was extremely eloquent in defence of the course which he advised their Lordships to take; but his arguments did not touch the real question at issue; they seemed rather to be directed towards the great object of bringing their Lordships' privilege into disrepute. The House should bear in mind, and the public ought to be aware, that their Lordships had no personal interest at all in the power they were now asserting. It was not for immunity, or for personal distinction or advantage, that they were contending. It appeared to him an incontrovertible fact, that if the privilege of Parliament was not productive of beneficial results, it could not, for a moment, be supported or prolonged. He thought he was able to show to their Lordships that the maintenance of those privileges which that House had so long enjoyed was, and had been, productive of good to the community at large. His noble and learned Friend had, he thought, somewhat unfairly referred to what had been done in former ages; but if he would examine Floyde's case, to which he had referred, he would find that it was not a case of privilege, but a case of prosecution before the House of Lords, as a court of justice, for a misdemeanor, where the party arraigned was heard, was found guilty, and received sentence. The House of Commons at first wished to establish their own power as a court of record; but their Lordships asserted their privilege as a constitutional tribunal: they tried the case, decided it, and passed the sentence that was required: the House of Commons consenting to leave the case in their hands, under a protest, leaving "the rights and privileges of both Houses in the same state and plight as before."* His noble Friend, in commenting upon privilege, had observed that the same rights and privileges were claimed for the goods and servants of Members of Parliament. Now in former times that privilege was indispensable, and therefore was exercised; but since it had become unnecessary, Parliament had voluntarily renounced it. In former times Parliament seldom sat above a few days. In the days of the Plantagenets Parliament met more than once a year, but only for a few days at a time, at Christmas, Easter, and Pentecost. They were summoned to meet at distant places, at York, Winchester, or Westminster: the Members of Parliament had this privilege, and regard being had to the manners and customs of those ages, unless the same privilege extended to the horse a Member rode, and to the servant who attended him, it would have been impossible for either Peers or Commoners to discharge their duties as Members of Parliament. But now no such privilege, in respect to the goods of a Member of Parliament had been claimed or exercised for 200 years; and with respect to the servants of Members, both Houses had unanimously agreed, by an Act passed, he believed, in the 10th year of George III., that that privilege, being no longer necessary, should be abandoned. So that in former times even there had not been that abuse of privilege such as his noble and learned Friend had described. But then his noble and learned Friend would have their Lordships confine the summary exercise of their jurisdiction to cases where there was physically an obstruction to their proceedings. But was that the principle acted upon by the two Houses of Parliament, or by the courts of law? Suppose, after a case had been determined in Chancery, and judgment had been pronounced, the losing party should say that the Lord Chancellor had received a bribe, and had acted corruptly in pronouncing sentence; or suppose that he, this losing party, were to publish a libel, stating that his antagonist had committed perjury, or had suborned witnesses—would not either of these cases obstruct the administration of justice just as much as would an insult offered in the very face of the court? But upon that subject he (Lord Campbell) would refer their Lordships to the emphatic language of one of the greatest Judges who had ever adorned the Bench, he meant Lord Ellenborough, in a case where the same doctrine was contended for, that it was only in cases of positive obstruction that the two Houses of Parliament had a right to interfere. That noble and learned Lord asserted the privileges of Parliament to be necessarily independent, as requisite for the personal security of Members, and also as involving the

* Howell's State Trials, vol. ii. p. 1154.

right of self-protection. Lord Ellenborough said—

"I do not mean merely the power of resisting acts and wrongs committed against itself, for poor and mean would that Parliament be which did not possess the power of resisting affronts, or of resenting injuries that might be offered to it. This is an inherent right in Parliament. The right of self-protection necessarily implies the possession of means to render that self-protection real and efficient; but such privilege would not be sufficient to effect the object for which it was granted, if it did not extend to the power of punishing insult when offered. Can the Parliament, therefore—can either of the two Houses of Legislature, be so utterly devoid of the means of enforcing their own dignity, as not to be able to punish in a summary manner a contempt that can be reached at once by the courts of law, which possess much less dignity?"

That was the opinion of Lord Ellenborough. He (Lord Campbell) had now to draw the attention of the House to the fact, that lately the Judicial Committee of the Privy Council, that institution of which his noble and learned Friend near him had so much just reason to be proud, had determined that this power belonged, as of inherent right, to the Legislature of every Colony under the Crown. In a recent case they had held that the sitting power belonged to the House of Assembly of Jamaica, and had decided that the power of committing for contempt inherent in every assembly possessing legislative authority, whether the proceedings stayed tended indirectly to obstruct, or directly to bring their authority into contempt. That had been decided by the Supreme Court of Appeal from the Colonies. But then his noble and learned Friend had gone so far as without qualification to say, that their Lordships ought to submit any case in which their privileges were called in question to the decision of the Judges, so that if an action were brought against his noble and learned Friend himself, for anything he had said in his place in the House of Peers, their Lordships ought not to interfere, but allow the case to be submitted to a judge and jury. He (Lord Campbell) protested against that doctrine; for he was persuaded that neither this nor the other House could effectively fulfil their legislative functions if it were suffered to prevail. His noble and learned Friend on the Woolsack had shown that the two Houses of Parliament were the sole judges of their own privileges. The Constitution placed that confidence in them, and believed that it would not be abused, and that they would only declare and preserve those privileges which their ancestors possessed—that they would not seek to enlarge them, or to raise up new ones. Trust to the Judges, said his noble and learned Friend (Lord Brougham). He (Lord Campbell) had the greatest respect for his noble and learned Friend who spoke the other evening upon this subject (Lord Denman), whose absence on this occasion he much regretted; but he could not consent to make him arbitrator of all their Lordships' privileges. He had, he repeated, a high respect for him; but he had a still higher respect for the aggregate wisdom of the House of Lords, and for the aggregate wisdom of the House of Commons upon such questions. But this question of privilege might come not before Lord Denman, but before some most respectable puisne Judge who had never sat in Parliament; who knew nothing of Parliamentary law, of Parliamentary custom, and to whom privilege would be altogether new and strange. It might happen that their Lordships' privileges would have to be pronounced upon by a man who had passed his life in drawing pleas, declarations, and demurrers, and not only that, it was by no means improbable, in case his noble and learned Friend's doctrine were suffered to prevail, that the question of privilege might be brought before some inferior tribunal, before a county court or a borough court. Their privileges, then, might come to be decided by the sheriff, or the under-sheriff, or by a clerk in the under-sheriff's office. His noble and learned Friend had drawn a distinction between their Lordships and the other House of Parliament, and had said that the remedy was in their Lordships' hands, because the case might come before them by a writ of error. No man knew better than his noble and learned Friend that many circumstances might intervene and prevent such an appeal from being made, by some of those irregularities which often rendered it impossible to get a case placed upon the record, and consequently it would never get before a Court of Error. "And then another difficulty arises—What do the Judges of Westminster Hall know of your Lordships' privilege; how can they tell in what they consist, and wherein we exceed or fall short in asserting them? They are not described in any of their books; they are not, many of them, to be found even in the Journals of

either House; they are recognised as of usage only, and are transmitted down by each House of Legislature to their successor. Suppose the Judges were not distinguished by that impartiality which happily characterizes the occupants of the modern Bench. It would be a very perilous matter to trust our privileges to a tribunal such as might sit on the judgment seat. Your Lordships must also look to the danger of having Judges who are seekers after popularity. Lord Bacon somewhere says, 'A popular Judge is a deformed thing, and the plaudits of the people are fitter for mountebank players than for magistrates.' There have been, I need hardly remind your Lordships, periods when both this House and the other House of Parliament have become extremely unpopular; and under such circumstances it might happen that insuperable difficulties would be found, in case your privileges came before the courts of law, in getting a judge or a jury to give a decision favourable to them, be the justice of the case never so obvious." His noble and learned Friend, in referring to the case of Burdett *v.* Abbott, said that he had stood in great peril of being committed because he appeared of counsel for Sir Francis Burdett. But his noble and learned Friend was in no such peril, because the House of Commons had given leave to the defendant to plead; and, instead of stopping the action, had allowed it to proceed. Under the peculiar circumstances of that case the House of Commons thought, whether wisely or unwisely, that it was right to wave their privileges, and to let the action against their Speaker proceed, rather than stop it short by any exercise of authority. But he would now quote to their Lordships a few instances of the conduct of Judges in cases of privilege; and although they knew what the present race of Judges were, they knew not what those might be who should follow them; and it should be observed that the Judges who now sat on the Bench were to lay down precedents for the future. It was once referred to the Judges, whether during the Session of Parliament the King had not a right to prescribe what business should come before Parliament, and in what order it should be taken. The Judges, *unâ voce*, declared that such was the right of the Crown, and that any member acting differently would be guilty of high treason. This took place in the reign of Richard the Second; and the Chief Justice, Sir R. Tresilian, was afterwards most deservedly hanged. The same Chief Justice was also asked whether the House of Commons had any right to impeach the King's Ministers; and he answered that those who impeached any of the King's Ministers in Parliament were to be punished as traitors. But he would now give a specimen of what was done in the seventeenth century, in the reign of Charles I. In 1628, there was a Parliament in which an ancestor of the noble Earl sitting opposite (the Earl of St. Germans), one of the most illustrious men that ever adorned the House of Commons, who, together with Selden and Stroud, and he (Lord Campbell) believed with Pym, requested the Speaker to put a question in the House of Commons. The Speaker refused, because, he said, "he was commanded otherwise by the King." The Members insisted, but the question was not put. As soon as that Parliament was dissolved, Sir John Elliot, and Pym, with Stroud and other Members, were arrested, and the Attorney General filed a criminal information in the King's Bench, and as a preliminary he summoned all the Judges; a proceeding not uncommon in those days, to summon the Judges in order to commit them to an opinion, so that they could not afterwards give judgment contrary to the side of the Government. So the Attorney General, when this prosecution was instituted, summoned all the Judges, and put the question, "Whether a Parliament man, committing an offence against the King or Council, not in a Parliament way, might, after the Parliament ended, be punished or not?" All the Judges, *unâ voce*, answered, "he might, if he be not punished for it in Parliament; for the Parliament shall not give privilege to any, *contra morem Parliamentarium*, to exceed the bounds and limits of his place and duty;" and all agreed "that, regularly, he cannot be compelled out of Parliament to answer things done in Parliament in a Parliamentary course; but it is otherwise when things are done exorbitantly, for those are not the acts of a court." So according to this answer the Judges were to consider whether the act was done in "a Parliament way," and if not they were to hold the party liable, and might convict and fine him for the words spoken. After this the prosecution proceeded. Sir John Elliot and the others pleaded to the information of the Attorney General that what they had said was in Parliament. To this a demurrer was put in and the question

was argued. The Chief Justice said, "All the Judges in England have resolved, with one voice, that an offence committed in Parliament criminally and contemptuously, the Parliament being ended, rests punishable in another court." Mr. Justice Jones: "And what court shall that be but the Court of King's Bench, in which the King by intendment sitteth?" Mr. Justice Whitelock added, "That any offence committed in Parliament against the King or his Government may be punished out of Parliament." To this Mr. Justice Crooke added the opinion, that "not only criminal actions committed in Parliament are punishable here, but words also." So, by the judgment of one of these Judges it appeared that any attack upon the Minister of the day, or any hint of a suspicion that the Government had not acted with perfect wisdom or honesty, if spoken in Parliament, was to be subject to a prosecution in the courts of law. The result of the prosecution was, that five members were found guilty and sentenced; and Sir John Elliot was ordered to pay a fine of 2,000*l.** The noble Lord opposite would, no doubt, find among his muniments the receipt for the fine paid by his ancestor, and which might be regarded as one of the brightest jewels in the coronet of his descendant. Even in the seventeenth century, however, this prosecution and judgment were deemed so outrageous, that the judgment was reversed; and the Judges held that no words spoken in Parliament should be punishable. The defendants in the case he had quoted relied upon a Statute passed in the reign of Henry VIII.; which enacted that no Member should be called in question for any Bill or speaking in Parliament. That plea was, however, as he had shown, overruled, and the parties were fined; the Judges holding, in spite of that Act, that they had cognizance of what was said and done in either House of Parliament. Another case following this was Rex *v.* Williams, which was an information by Sir R. Sawyer, then Attorney General, against Sir W. Williams, Speaker of the House of Commons, for, under order of the House, publishing and putting his name to a book called "Dangerfield's Narrative." The plea put in was, that the defendant had done so by order of the House; but that plea was overruled, the Lord Chief Justice declaring it to be an idle, insignificant plea; and Sir William Williams was fined 10,000*l.*, of which he actually paid 8,000*l.* These were all cases which had occurred within a recent time; and although the present Judges were worthy of all confidence, he for one would never consent to the privileges of Parliament, which were held for the good of the public, being put in jeopardy by being submitted to them. In the practice of the courts of law, if an action was brought in one court to call in question what had been done in another, the court of exclusive jurisdiction uniformly interfered. For example, in the Court of Exchequer, where an action was brought in another court for what had been done by order of the Exchequer respecting the King's revenue, they would not suffer the action to proceed; as was seen in the case of Campbell *v.* Cawthorne, before Lord Chief Baron Macdonald. Lord Chief Baron Eyre followed the same precedent. When he (Lord Campbell) was Attorney General, he had often gone into the Court of Exchequer, and moved that proceedings be stayed in other courts upon matters over which the Exchequer had a fixed jurisdiction. Then what said the Court of Common Pleas? A learned Serjeant was arrested when leaving Westminster Hall and getting into his coach. He applied to the Court, and they discharged him, intimating that if the plaintiff should bring an action against the Sheriff for an escape, they would commit him. That Serjeant was Scroggs, afterwards the celebrated Judge Scroggs. In the Court of Chancery, as their Lordships had heard from his noble and learned Friend on the Woolsack, the practice had been uniform. There were cases in point so far back as Vernon's Reports down to those decided by Lord Eldon, and by his noble and learned Friend on the Woolsack. The Court would not allow an action to be brought against a receiver appointed by and acting under the orders of the Court, as was seen in the case of Angel *v.* Smith, 9 Vesey, 333; and so also the Court of Chancery would not suffer the regularity of its process to be decided upon by any other tribunal, even when there was a complaint that its officers had exceeded their authority. In Frowd *v.* Laurence, 1 Milne and Kean, Lord Eldon granted an injunction against an action, and so in the case *ex-parte* Clarke, decided by his noble and learned Friend on the Woolsack. Now, he (Lord Campbell) contended that this was as much the law of that Court as of the Court of Chancery,

* See Parl. History, Vol. ii. 490, et seqq.

or the Court of Exchequer; and the practice had been immemorially exercised. There were precedents for its exercise. They might be few in number, because few such actions had been brought. It was only in these speculative times that attorneys ventured to take such proceedings. He had considered it his duty thus to lay before their Lordships the result of his researches. He was convinced that the House not only had the power, but that they were bound to exercise it for the public good; and that if they allowed these actions to proceed, not only their dignity, but their usefulness, would be impaired.

The Earl of *Wicklow* thought, if their Lordships proceeded in their present course, serious and lamentable injustice might be inflicted. He did not deny that this was a breach of privilege; when he said that, he meant a breach growing out of a disregard of their privileges. It was a breach of privilege, as stated by his noble and learned Friend, to have their proceedings reported at all, or that the minutes of evidence taken before a Select Committee of their Lordships, and furnished to the Members of the Committee, should be made public. He believed, that up to a late period, if an individual Peer sitting on a Committee, to whom the evidence taken before it had been furnished, had chosen to circulate it himself, an action might have been brought against him, and he would not have escaped with impunity. By communicating to the House of Commons the Papers drawn up for their own use, their Lordships gave a kind of sanction to the making public and selling of these Papers. In the present case an individual who complained that he had sustained great injury to his character, applied to the laws for protection; their Lordships interfered, and would not allow him to obtain that justice which the laws might possibly afford him. It might be said that the courts were bound to respect their privileges; and, therefore, that the individual would sustain no injustice by their Lordships' interposition. But, at least, their Lordships ought not to refuse him the opportunity of laying his case before the court, and then, if the court refused to entertain his complaint, it would still be no fault of their Lordships, while their privileges would nevertheless be respected. If it had been made clear to him that in a similar case to this, the four courts of this country would stay an action, he would admit that their Lordships could not have been asked to pursue a different course; but he had listened in vain to the precedents read by the noble and learned Lords opposite for satisfaction on that point. Had the Courts of Queen's Bench, Exchequer, or Common Pleas ever stayed an action when brought by an individual against a witness on the ground of slander offered in the evidence?

Lord *Campbell*: There never was such an action brought since Westminster Hall was built.

The Earl of *Wicklow*: The noble and lerned Lord might say so; but how did he know that they would not allow such an action if it were brought? He looked on this question as a matter of discretion altogether; there could be no doubt they had a right to take this step, but was it expedient to do so? The noble and learned Lord said these cases would multiply. Why was that to be expected? Because these privileges were not popular in the country. When they were required in defence of popular rights against the Crown, the public was with the Houses of Parliament, and ready to support them. Now, there was no fear of these rights being attacked by other quarters; but there was a deep-rooted dread in the country of the assumption of undue privileges by Parliament. The noble and learned Lord had brought forward a number of cases to show that this question should not be submitted to the Judges. He was surprised that the noble and learned Lord, of all men, should maintain that position, for how had the present embarrassments been produced? By the advice of the noble and learned Lord himself, when Attorney General, who recommended the House of Commons to appear to an action—a most constitutional course, no doubt; but the noble and learned Lord, who was the author of it, was the last man who should have taken the tone he had done to-night. In the present case, an individual complained of a grievous injustice which had been done to him by slanders on his character, and brought an action; then their Lordships interfered, and said they would either oblige him to stay quiet and rest under the imputation, or commit him to prison.

Lord *Campbell* remarked, in reference to what the noble Earl opposite had

stated, that it was true he had given advice in the case of Stockdale and Hansard, that the defendant should be allowed to plead; and he was prepared to take on himself the responsibility of that advice. But after what had been done in the case of Burdett and Abbot, he certainly at that moment had not the courage to advise a different mode of proceeding. He had then the most complete conviction, which was shared by almost all the lawyers in the House, and others whose assistance he had had, that as soon as the Court of Queen's Bench was informed by the Speaker that the publication then complained of was by order of the House, the Court would be perfectly satisfied, and would immediately give judgment for the defendant. It was to the great astonishment of himself and all the lawyers in the House of Commons, he believed, without a single exception, that a different decision was given. That most distinguished lawyer, whose loss they now deplored, Sir W. Follett, the present Lord Chancellor of Ireland, who was then a Member of the House of Commons, all concurred in believing that that judgment was erroneous. It was on account of that judgment that he would decline again to put the privileges of either House of Parliament to hazard. He now regretted the advice he had given, and deemed it the more incumbent on him, from what he had done on a former occasion, to warn that House of Parliament to which he had the honour to belong, to avoid such a precedent. Wherever an action was brought in direct breach of their privileges, as his noble and learned Friend allowed the present to be, his earnest advice would be that, for the good of the public, they should interpose *vivâ manu*, and stop it.

On Question, *resolved* in the *Affirmative*.

The *Lord Chancellor* then moved to resolve—

"That the said John Harlow having been guilty of a Breach of the Privileges of this House, be committed for his said Offence to the Custody of the Gentleman Usher of the Black Rod, until the further Order of this House."

On Question, *agreed* to; and ordered accordingly.

The *Lord Chancellor* then moved to resolve—

"That the said Peter Taite Harbin has been guilty of a Breach of the Privileges of this House."

Lord *Brougham* remarked, that an attorney was placed in a very peculiar situation. He could not refuse a client who came to him; but now their Lordships were about to say that no attorney should undertake the defence of a weak party against one who was greatly superior in strength. The expenses consequent on committal to the custody of the Black Rod were very considerable, and must operate with great force in deterring attorneys from undertaking the defence of clients. Here it was to be remarked that the attorney in his declaration only stated that he had received no instruction to discontinue the action, and not that he would not discontinue it. With respect to the case of Burdett and Abbott, no one could suppose that either Parliament or the courts of law would act in the same manner and on the same principles as in that day. Not a day passed in which attacks both in Parliament and the courts of law did not appear, which, if they had been published at that time, would have been visited with imprisonment. There was an attack only the other day on the Lord Chief Justice of the Queen's Bench, for wilfully stating a falsehood in the charge to the jury, for the purpose of injuring the editor of a newspaper. If one-tenth part of what was now published every day had been published in the time of Burdett and Abbott, there could not be a doubt but the authors of it would have been sent to prison. It would be wrong, however, to suppose that their Lordships abandoned their privileges because they did not exercise them every day.

The Duke of *Wellington* thought there was one point of this case very remarkable, and, he believed, attributable to the attorney—the declaration, which was the foundation of the proceedings, only stated that the evidence complained of was given in a room before a certain number of persons, not that it was given in a Committee of the House of Lords.

Lord *Brougham* said, that was the fault of the special pleader, not the attorney.

Lord *Campbell* thought their Lordships would act most unjustly if they were to commit the tobacconist, and allow the attorney to escape. His noble and learned Friend said it was the duty of the attorney to bring every action that he was asked to bring. He (Lord Campbell) thought that a most mischievous declaration; the at-

torney ought to examine the case, and see whether there was good reason to bring the action. The tobacconist might not be aware that he was likely to incur their Lordships' displeasure, and he (Lord Campbell) had some compassion for him; but was not the attorney perfectly aware that he was setting their Lordships at defiance? When that attorney said he had no instructions to withdraw the action, was not that tantamount to saying he would not do so?

Lord *Brougham* said, he had a communication to make to their Lordships, that the plaintiff had instructed the attorney to discontinue the action. He really thought, under these circumstances, that their Lordships should proceed no further.

The Earl of *Wicklow* said, the plaintiff had declared that he did not know at the time of instituting this suit that it was a breach of privilege.

The Marquess of *Clanricarde* reminded their Lordships that the question was not as to the plaintiff, but the attorney.

The *Lord Chancellor* observed, that the plaintiff's declaration stated that the words were spoken before a certain Committee, but omitted to say "of the Lords," whence it was clear that he felt, if he had inserted those words, he would have committed a breach of privilege, and been brought into peril. He thought, therefore, that the attorney, who had no doubt made him aware of this, was the more guilty of the two.

Lord *Brougham* doubted if the attorney would know so clearly what a breach of privilege was. There was a great privilege lawyer behind him—the late Attorney-General—who said nobody knew what the privileges of the House were—even the Judges were completely ignorant of it; and nobody knew what they were but the House itself; by which his noble and learned Friend meant himself and one or two others.

On Question, *resolved* in the *Affirmative*.

The *Lord Chancellor* then moved—

"That the said Peter Taite Harbin having been guilty of a Breach of the Privileges of this House, be committed for his said Offence to the Custody of the Gentleman Usher of the Black Rod, until the further Order of this House."

On Question, *agreed to*, and ordered accordingly.

Costs in Local and Personal Bills.] Lord *Brougham*, with reference to the discussion on the Standing Orders, said, as some difference of opinion had arisen whether they should proceed by Bill or Resolution, he had, in order to obviate delay, prepared a Bill, which he now presented to their Lordships, to enable the Houses of Parliament to order recognizances for costs in local and personal matters.

Bill read 1ª.

Their Lordships then adjourned.

The following Protest on Privilege of Parliament, was entered on the Journals.

Dissentient—

1. Because this House is now, for the first time, interfering to stop by force an action brought against a party for a wrong done to a fellow subject in slanderous words, alleged to have been falsely spoken, and is thus interposing its power, under the name of privilege, between the subject and its strict legal right, sought to be made good in a court of law by the course which the law has prescribed.

2. Because, whatever right the House may be supposed to derive from precedent, that is, from former instances in which it has exercised similar powers, there can be no doubt that in former times both Houses of Parliament were wont to do many acts, under the name of asserting their privileges, acts which, in the present day, and for a long time past, both Houses of Parliament have wholly abstained from doing, and which would now be considered by all mankind to be gross and wanton violations of all justice.

3. Because, though the right, however founded, or however proved, to do such acts as these, or even such acts as the present of a far less objectionable kind, were admitted, yet it is always a question of expediency and discretion whether or not this power, even if it be possessed by right shall in any given case be exercised; and it ever behoves both Houses of Parliament to be most cautious and abstinent in the use of powers like these, which are assumed by them over parties charged with offending against themselves, and are used by them in their own case without the intervention of any impartial and judicial authority.

4. Because it is, in a peculiar manner, the duty of both Houses to abstain from such acts when they reflect that there is no code of privilege promulgated whereby the people may know against what law they offend; that the law is in each case declared, possibly made for the first time, after the alleged breach of it has been committed, and made in the heat of the strife occasioned by the alleged offence; that the Members of the two Houses always differ among themselves both as to the law and its application; and that they who promulgate

it are at once the lawgivers, parties, prosecutors, jurors, judges, and executioners; while in this instance alone no power of extending mercy to the offender exists in the State.

5. Because it behoves this House in a more peculiar manner to avoid placing itself in so strange and anomalous a position, seeing that as it is the Supreme Court of Justice in the last resort in all cases criminal and civil, so it ought to be most anxious ever to set the example of strictly just, regular, legal procedure, and should most carefully shun all violations of law and justice, and should especially be slow to interfere with pending actions, which may in their result come before itself as a high court of appeal.

6. Because the cases in which it is expedient and justifiable, from absolute necessity, to interfere with the rights of individuals and the ordinary course of the law, are of a description wholly different from the present, being actual obstructions offered to the proceedings of the Houses, and which must be removed without any delay, else the arm of Parliament would be paralysed; and because no objection could ever be raised to such an exercise of power, and of rightful power, either by the two Houses or by any other tribunal. But constructive contempts like the present are of a wholly different description, and no harm whatever can arise from allowing them to be dealt with by the course of the law as administered in the regular courts of justice, those courts to which the Sovereign, as well as the meanest of his subjects, must always resort for the establishment of rights and punishment of wrongs—those courts to which the Houses of Parliament may most safely resort as the abodes of strict justice—courts pure from all taint of corruption, free from all bias of influence, uncontrolled by the threats either of regal authority or aristocratic insolence, or popular violence, and to which neither faction nor fear can ever gain access.

7. Because the argument that witnesses must be protected from vexatious and costly suits is wholly inapplicable to the case, inasmuch as no one pretends to doubt that they may be prosecuted at the instance either of the Crown or any individual, whether a Member of the House or not; and if so prosecuted, never could recover one farthing of their costs, though ever so honourably acquitted.

8. Because no punishment which can be inflicted either by a prosecution or by the House upon a witness for the most wanton and the falsest slander of an individual, can afford any reparation whatever to the party thus injured, as the House has not by law the power, if petitioned, to give any such compensation.

9. Because the protection of witnesses before the Houses of Parliament never can be regarded as more essential to the public weal, than the protection of witnesses before the courts of civil and criminal judicature; yet no one pretends to doubt that an action may be brought against any person for slanderous words falsely spoken by him in giving his evidence before these Courts; and though no damages could be recovered if the words were spoken in answer to a question put in the cause, yet it is quite certain that the action must take its course, and that nothing could be done by the Court to stop it; so that the witness must be exposed to exactly the same vexation and expense which are alleged to form the only ground for interfering to stop the action in the present case.

10. Because the order to prevent a defendant from pleading, or the commitment of the plaintiff for a constructive contempt, never can really stop the action, which may proceed through all its stages whatever be done to the parties; unless indeed the greater and unheard of violence were committed of arresting the Judges and their officers, and destroying the record, and tearing the proceedings from the file.

11. Because all the arguments drawn from alleged analogies in a Court of Equity, are wholly wide of the question, inasmuch as the granting an injunction to stay actions at law, or to prevent receivers and other officers, or quasi officers, of the Court being sued for acts done under its authority, are not granted discretionally, but are matter of strict right; and inasmuch as such injunctions only prevent the party against whom they issue from obtaining his remedy in one form, reserving it to him in another, nay, securing it to him in the Court which stays the action; whereas the present proceeding deprives the party of all remedy whatever, the House having no power of authority to grant him redress.

12. Because it is a great aggravation of the mischief so justly complained of, that for the last nine years the other House of Parliament has sold all the Papers printed by its authority, allowing a discount to encourage the trade in those publications: and that though this House has not as yet engaged in this branch of business, yet it communicates its prints to the other, which sells them with its own.

13. Because the inexpediency, injustice, and cruelty of exercising the alleged privileges of the House are strongly illustrated by the peculiar circumstances of the present case. A complaint is made by a Peer that an action has been brought against a witness. The defendant is publicly described as a most respectable person, who had served well in the Peninsula; to the plaintiff is applied the most severe and even coarse expression; while in no court that tried the case could such praise or censure of the character borne by the parties ever be heard for an instant, much less proved in evidence; and while it is also manifest that precisely the same course must have been pursued had the respectable man been the slanderer, and the censured man been the injured party. Under the prejudices excited by such statements, the parties are examined at the bar. The plaintiff is compelled to disclose his case

to the defendant. He describes himself as grievously injured, and as severely suffering from the effects of the attack made upon his character by the defendant. He further declares that he was wholly ignorant of the privileges of the House, wholly unconscious of having acted in breach of them by bringing his suit—a thing the more easily believed when we reflect that the nature of parliamentary privilege was distinctly stated, in debate, to be wholly unknown to the Judges of the land, and only understood by the House itself. Finally, the attorney, who has been seized and imprisoned for following his client's instructions, declared that he acted under the advice of counsel; and afterwards informed the House, through a Peer, that he had received directions to discontinue the action—yet both client and attorney are imprisoned, the attorney after this communication was made; and nothing whatever is done against the counsel who deliberately advised the whole proceeding.

14. Because nothing can be more unlike all the judicial proceedings to which the present has been compared, than the course now pursued, inasmuch as whenever the law has declared that a court shall not proceed in any case by reason of another jurisdiction being interfered with, a particular mode of preventing this proceeding is provided by the known law; and in another and important particular, the present proceeding is extremely unlike that of injunction, to which it has been likened, for an injunction is commenced to stay proceedings in one court, in order that justice may be done in another which has possession of the suit; nor is any one prevented unless he disobey the order so given; whereas we issue no order, but at once proceed to punish the party before he has been guilty of any disobedience, or had any opportunity of doing what we desire he should do, and we punish him on the sole ground of his having broken some privilege unknown to him, and which we admit is understood by nobody but ourselves.

15. Because, finally, it is all along assumed in the course of these discussions, that whatever privilege we do not in any case exercise, we cease to possess; whereas there are many privileges most undeniably belonging to us, some which in former times were constantly exercised—some which we still declare to be ours on the face of our Standing Orders—and none of which have now for a long time past been exercised at all; and in illustration of the varying usage which exists respecting such privileges, it may further be remembered that a very great change has come over this question, even within the last 40 years; as no one can affect to think that either the Houses of Parliament or the courts of justice would at this day punish summarily for contempt those acts which frequently were thus visited within that period of time, including the very publication for which Sir Francis Burdett was sent to the Tower, and which raised the last great discussion of the Privilege Question in Parliament, in the courts of law, and in this place.

BROUGHAM.
WICKLOW.

P. S.—The Earl of Radnor was prevented signing this protest by accident.

HOUSE OF COMMONS,

Monday, July 14, 1845.

MINUTES.] BILLS. *Public.*—1°. Slave Trade (Brazil); Municipal Districts, &c. (Ireland).

2°. Turnpike Acts Continuance; Loan Societies; Highway Rates; Militia Ballots Suspension; Valuation (Ireland); Unlawful Oaths (Ireland); Fisheries (Ireland); Ecclesiastical Patronage (Ireland); Turnpike Roads (Ireland); Bonded Corn; Bail in Error.

Reported.—Lunatic Asylums and Pauper Lunatics; Masters and Workmen; Borough and Watch Rates; Joint Stock Companies; Art Unions (No. 2).

Private.—2°. White's Charity Estate; Ellison's Estate.

Reported.—Brighton, Lewes, and Hastings Railway (Hastings, Rye, and Ashford Extension); Yoker Road (No. 2); Shrewsbury and Holyhead Road; Heaviside's Divorce.

3°. and passed: — Monmouth and Hereford Railway; South Eastern Railway (Tunbridge to Tunbridge Wells); South Wales Railway.

PETITIONS PRESENTED. By Mr. Plumptre, from Clergy and other Inhabitants of Herne Bay, for a more decided Support of the Church of England.—By Mr. Plumptre, from several places, for Better Observance of the Lord's Day.—By Mr. Plumptre, from a great number of places against the Grant to Maynooth College.—By Mr. Hawes, from A. J. A. Hoffstaedt, a Prisoner in the Queen's Prison, for substituting Affirmations in lieu of Oaths.—By Mr. C. Bruce, and Mr. Pringle, from Presbytery of Moray, against Universities (Scotland) Bill.—By Sir T. Wilde, from Attorneys and Solicitors, practising in England, Wales, and Ireland, for Repeal of Stamp Duty on Attorneys' Certificates.—By Mr. Masterman, from Members of the Religious Society of Friends, against Charitable Trusts Bill.—From Thomas Bradfield, Westminster, for Repeal of Sixth Session of the Coal Trade (Port of London) Act.—By Mr. J. H. Vivian, from Inhabitants of Cwm Neath, for Establishment of County Courts.—By Mr. Hume, from Charles Henry Russell, against the Games and Wagers Bill.—By Mr. Ellice, from Coventry, for adopting Sanatory Regulations (Health of Towns).—By Sir J. Y. Buller, from Justices of the Peae of the County of Devon, against Justices' Clerks and Clerks of the Peace Bill.—By Sir J. Y. Buller, and Mr. Plumptre, from several places, for Alteration of Physic and Surgery Bill.—By Mr. Plumptre, and Lord Worsley, from several places, in favour of Physic and Surgery Bill.—By Mr. Ellice, and Mr. Hume, from Glasgow and Montrose, for Alteration of Poor Law Amendment (Scotland) Bill.—By Mr. Rutherfurd, from Heritors of the Parish of North Leith, for Postponement of Poor Law Amendment (Scotland) Bill.—By Lord Worsley, from Members of the Temperance Society, Barrow, Lincoln, for Diminishing the Number of Public Houses.—By Mr. C. Hope, from Trustees and Creditors on the great Turnpike Road betwixt Edinburgh and Glasgow by Bathgate and Airdrie, in favour of Turnpike Roads (Scotland) Bill.

The *Speaker* took the Chair at twelve o'clock; but only formal business was transacted till five o'clock.

THE CASE OF JOSEPH MASON.] Mr. *H. R. Yorke* said, that he wished to ask

the right hon. the Secretary of State for the Home Department, when the order of liberation was sent to Norfolk Island in behalf of Joseph Mason, who was transported upon a conviction for burglary at the York Spring Assizes, 1843, which conviction turned out to have been altogether and entirely unjust? Also when the said Joseph Mason might be expected in England?

Sir *J. Graham*, in reply, stated that after a conference with the Judge who tried the case, and after further investigation, being satisfied of the innocence of Joseph Mason with respect to the crime for which he was convicted and sentenced to transportation; and that another party was guilty of that crime, he had considered it to be his duty to advise the Crown to give a pardon to this person, and this was accordingly done on the 1st of January last. He had given directions also that Joseph Mason should be immediately provided with a free passage to England. He believed that the first intelligence of the return of this person would be by the arrival of the individual himself.

NEW ZEALAND.] Mr. *Hawes* said, that he was anxious to put a question to the Under Secretary for the Colonies. It would be recollected that a few nights ago a question was asked of the hon. Gentleman, as to a conflict having taken place between Her Majesty's troops and the natives of New Zealand; and the hon. Gentleman then stated that the Government was without official intelligence on the subject. He now wished to ask whether any information had reached the Colonial Office since that time.

Mr. *G. W. Hope* replied, that since the question was put to him respecting news from New Zealand, which it was stated had been made public, he could now state that the Colonial Office received despatches yesterday of the same date as those referred to; and the accounts received by the Government agreed with those which appeared in the *Times* and other newspapers three or four days ago. The despatches stated, that a renewed attack had been made on the settlement in the Bay of Islands, by the chief who had formerly pulled down the flagstaff there. There was nothing now but an attack of a decidedly insurrectionary character. It was suspected some days before that an attack would take place; but not at the time when it did take place. The natives were about 1,000 in number, and advanced in different bodies; and they showed in their proceedings considerable military discipline. The attack took place upon those who had charge of the blockhouse, near the flagstaff. Those who had charge of it, were taken by surprise, as they were absent, being out on a working party. The person who had the command, was not aware of the approach of the natives, until he turned round and saw it in their possession. A party of seamen and mariners were landed from Her Majesty's ship *Hazard*, then in the bay, to attack the natives; they were but a small party, and the officer commanding them, Captain Robertson, was severely wounded. They drove the natives from the blockhouse; but another accident then occurred, as the magazine in the blockhouse blew up and did much mischief. After a long and determined attack, the natives were everywhere repulsed. The gun, however, in one of the stockades had been spiked, while the other had been blown up, and the ammunition was nearly exhausted. No lives of any of the settlers were lost, with the exception of one gentleman, who was killed, by the explosion of the magazine. The loss altogether, taking troops, settlers, and seamen into account, was thirteen killed, and twenty-three wounded. The loss of the natives had not been ascertained, but it was very considerable. The settlers were then removed to Auckland; but the missionaries still remained in the Bay of Islands. In justice to the natives, he must say that, after the settlers retired, they forwarded a woman and child which they found in a blockhouse, under a flag of truce, to the settlement. Many of the natives were armed with American rifles, which they obtained by barter, and most of the remainder were armed with muskets. Troops, previously to this melancholy event, had been applied for, to the Government of New South Wales; and the *North Star* had arrived at Auckland from Sydney on the 23rd of March, with two hundred and ten troops and artillery on board. The last accounts were dated the 26th of the same month; and they certainly showed that the effects of this conflict were looked upon with great alarm in New Zealand. It did not appear that those proceedings grew out of any accidental circumstance, such as from a collision or dispute between the natives and

the settlers, but from a determined attempt on the part of the chief he had alluded to, to deny the sovereignty of the Queen. Such was the object in view, as far as he could ascertain, and not so much to make an attack upon the settlers. He might add that the arrival of troops from New South Wales had done much to restore confidence.

THE EARL OF ELLENBOROUGH.] Mr. *Hume* observed, that he had a Motion for to-morrow, respecting the recall of Lord Ellenborough from India; but he felt, under all the circumstances of the case, bound to abandon the Motion.

THE BOERS IN SOUTH AFRICA.] Mr. *Hindley* wished to ask a question of the Under Secretary of State for the Colonies, respecting some recent proceedings in the vicinity of the Cape of Good Hope. Had any accounts reached the Government with respect to an attack which, it had been stated in the public papers, had been made by the boers, from Natal, on the natives in or near the boundary of the Colony of the Cape of Good Hope? and also, whether the Governor had left Cape Town for the frontier in consequence of this?

Mr. *Hope* replied, that no report of an official character from the Governor had reached the Colonial Office, giving an account of the proceedings alluded to. He must state, however, that, from what he had seen in the public papers, it appeared to him that a wrong impression had gone abroad as to the facts of the case. From the facts that had reached him, it appeared that the collision did not take place within the boundary of the Colony of the Cape. The Griquas, upon whom the attack had been made, were an independent tribe living beyond the Cape; and therefore not within the limits of the jurisdiction of the British Government. A number of missionaries had settled with the Griquas, as with an independent nation, and the attack made upon Phillipolis, the capital of that country, did not appear to have been made by persons from Natal; for the places were 300 miles distant from each other. The boers who had made the attack were those who, since the abolition of slavery in the Colony, had emigrated to the north of the boundary of the Cape; and it did not appear that there was any connexion between them and the boers at Natal. The conflict had taken place before the Colonial Government could interfere to prevent it. At present there was a considerable force at the Cape, and this had been increased since 1842, by a regiment of cavalry 500 strong; and no doubt Sir P. Maitland would take proper steps to protect the Griquas against further attack; but it should be remembered that they were not Her Majesty's subjects.

Mr. *Hindley* asked whether the right of sovereignty was claimed by this country over the boers?

Mr. *Hope* replied, most unquestionably. The boers who had emigrated, had always been regarded by Her Majesty's Government as subjects of the British Crown. Steps had been taken long ago at Natal for this purpose, and a Lieutenant-Governor had been appointed to govern that place.

THE BLOCKADE OF THE RIO DE LA PLATE.] Mr. *Milner Gibson* asked whether General Rosas, of Buenos Ayres, had the right to stop the navigation of the river Plate, and to prevent communication with Paraguay by those waters; and whether the British Government had acknowledged the right of General Rosas to close the navigation of the river Plate to foreign vessels?

Sir *R. Peel* said, that General Rosas, in the assertion of belligerent rights, had intimated an intention to establish a blockade of the waters referred to; and the British Government had expressed its disposition to assent to the blockade, on the condition that it should be generally enforced. The French Government had, in the first instance, claimed that French vessels should be exempted; and Great Britain then of course refused to permit the blockade. Subsequently, however, France, it was understood, had professed her willingness to have her vessels included in the operation of the blockade; and Her Majesty's Government then also assented on the condition, as before, that the blockade was to be, so long as it lasted, of universal application. As to the Paraguay, General Rosas, occupying both banks of that river, claimed the right of preventing navigation upon it. With reference to the Plate river, the blockade of that river required the consent of the other Powers, and Great Britain had assented on the conditions he had stated.

If the hon. Gentleman, however, required fuller information on the subject for the guidance of merchants, his best course would be to apply to the Foreign Office.

THE BALLYHASSIG AFFRAY.] Mr. *E. B. Roche*, in reference to an unhappy collision at Ballyhassig, begged to ask the right hon. Baronet opposite whether any orders had been issued precluding, as was most desirable, the police from attending any fair or other popular assembly in Ireland, unless a magistrate were present? He had no hesitation, from his knowledge of the population about Ballyhassig, in saying, that had but one magistrate of influence or station in the country been present on the occasion of the late lamentable affray, no loss of life would have taken place, nor would that loss of life have occurred, had the police not gone to the fair.

Sir *Thomas Fremantle* must abstain from saying anything that might be construed into an opinion, respecting the late unfortunate transaction, pending the inquiry now being prosecuted by a competent tribunal. He might observe, however, as to the presence of magistrates on the occasion, that he believed several magistrates had been present during the day, though none remained till the time when the unhappy affray occurred, which was at nine o'clock in the evening. With reference to the order suggested by the hon. Gentleman, he must decline at present giving any answer respecting it.

NEW ZEALAND.] Viscount *Howick* wished to ask the right hon. Baronet at the head of the Government, whether he proposed to lay the instructions sent out to Captain Grey on the Table of the House, before they were called upon to vote the Supplemental Estimate for New Zealand?

Sir *R. Peel* must answer now, as he had answered on a former night the same question, that Captain Grey not being as yet in New Zealand, there would be, with reference to the large proportion of the instructions forwarded for his guidance when he arrived, great inconvenience in making those instructions public at present. There might be circumstances to prevent Captain Grey from reaching New Zealand for a time, a contingency which Government had framed arrangements to meet, and which rendered it additionally unadvisable to make public as yet the instructions sent out for him. Part of the instructions relating to the New Zealand Company, however, had been communicated by Lord Stanley to a deputation from that Company; and he (Sir R. Peel) had no objection to lay the instructions which referred to that Company before the House.

Viscount *Howick* begged to ask whether the extracts promised by the right hon. Baronet were such as would give the House a general notion of the policy which the Government proposed to act upon for the future, with reference to New Zealand? He, and those who thought with him, considered that the past calamities of the Colony arose from the past policy of the Government; and before Parliament separated, they believed it to be absolutely necessary—should the future policy of the Government with New Zealand, as far as it could be collected, not promise to be more satisfactory than the past—to have another discussion on the subject. He hoped the right hon. Baronet would give, at all events, such extracts from the instructions as would enable the House to form a general judgment as to the policy they contemplated, ere it was called upon to meet a heavy additional demand, occasioned entirely by the past errors of Government.

Sir *R. Peel* said, that the noble Lord, when the extracts promised were laid on the Table, would be able to form a judgment how far they gave an insight into the contemplated policy of Government with reference to New Zealand, and could act according to his then view of the matter. He must confess he did not consider they would enable the House to form a judgment as to the general policy assigned to Captain Grey; but, he must repeat, he did not hold it consistent with his public duty to give, at present, any fuller information on the subject.

COAL TRADE (PORT OF LONDON) BILL.] The House in Committee on the Coal Trade (of the Port of London) Bill.

On Clause 2,

The Earl of *Lincoln* said, that in this clause he had to propose certain amendments. He need not go into a long statement of the necessity of widening the streets, not only of the city of London, but of other large towns. The evidence which had been given before a Committee

of the House was conclusive on this subject, and on the necessity of providing funds for this purpose. It was particularly mentioned, that the greater part of Whitechapel was badly drained, overcrowded, and that the streets, courts, and lanes admitted of no current of air. As early as 1812 there was a Report on this subject; but in 1838, a Committee was appointed, which consisted of several metropolitan Members, and they recommended the tax on coal. In the following year another Committee was appointed, with a still larger proportion of metropolitan Members, when the question was over and over again considered, and all were in favour of an increase of the existing coal tax. The coal merchants, with one single exception, gave evidence in favour of this tax. He had himself made inquiries of some of the most influential coal-masters, and they had shown, by the weekly returns of the coal market for several successive years, that as the rise was by threepences, the duty of 1*d.* could not be felt by the consumer. If the duty were now remitted, it would only go into the pockets of the coal merchants. The noble Lord concluded by moving, as an addition to Clause 2—

"In order to provide a fund for the opening of poor and densely-populated districts in the Metropolis, or for keeping open spaces in the immediate vicinity of the same, as a means of promoting the public convenience, recreation, and health."

Mr. *Williams* wholly objected to the proposition of the noble Lord. He had as decided objections to a tax upon coals as he had to a tax upon bread, because, in this great metropolis, it was quite as much a necessary of life. The great bulk of the tax was paid by the poorer classes, and that was the reason why it had been so long maintained. Upwards of a million sterling had been raised from the tax within the last few years; 200,000*l.* had been spent upon that enormous job the Fleet Market, which had been of no use to any one. Why did they, in this case, depart from the mode of raising all other municipal taxes? Merely because the greater part of the tax was paid by the poorer classes. He had not the slightest objection to the plan of improvement proposed by the noble Lord; but why should not the cost of it be raised by a house-tax? There were thousands of people, who, residing in the vale of the Thames, would be subjected to the tax; and what possible good would their improvements in Southwark do to them?

Mr. *Hume* would ask who could possibly benefit from the proposed improvements, except the owners of the property in the neighbourhood where they were carried on? and undoubtedly they were the parties who ought to bear the cost. The noble Lord had alluded to three Committees who had been in favour of the plan; but not one Coal Committee which had sat within these ten years but had made every endeavour to get the tax abolished. Even the last Committee, of which the noble Lord had been chairman, were nearly unanimous against his plan; and he did not consider it fair that he should bring it forward in the House, where he hoped to carry it, by the aid of Her Majesty's Government. He would, indeed, be sorry if the House should support the noble Lord. He would give all the opposition in his power to the further continuance of the iniquitous tax.

Mr. *Masterman* was sorry that the noble Lord had determined to renew the tax. The city of London required no further aid, and the tax would expire with the year, and he thought the time had come when the poor of London should cease to pay the additional tax upon an article of such necessity as coal. He felt it to be his duty to vote against the proposition of the noble Lord.

The Earl of *Lincoln* was, indeed, surprised to hear his hon. Friend oppose his proposition, and the more so at the grounds on which he rested his opposition. He had not intended to inform the House of the manner in which his proposal originated; but he felt himself compelled to do so after what had fallen from his hon. Friend. The tax was about to expire, when he was waited upon by a very influential gentleman connected with the City, who represented that the repeal of the tax would benefit no person in the world except the coal merchants. He agreed with him in that opinion, and having consulted with his right hon. Friend at the head of the Government, he adopted the scheme. He was the more astonished at what had fallen from his hon. Friend, because it was not a long while since he headed a deputation to his right hon. Friend, when a proposal was made, not for continuing that small tax, but to impose an additional duty of 1*s.* 6*d.* a ton for the sole purposes of the city of London. His right hon. Friend certainly had told his hon. Friend

behind him that considering the taxes already levied in the metropolis for the sole benefit of the city of London, it would be most unfair to subject it to an additional duty for that purpose, and he declined to accede to the proposition. His hon. Friend and another hon. Gentleman connected with the city of London, the hon. Member for Preston, had attended before the Committee, and not only advocated, certainly more ably, than he (Lord Lincoln) could do, the continuance of the tax; but argued against the supposition that the remission of it would be a benefit to any but the coal merchants. He (Lord Lincoln) told his hon. Friend, that the city of London having got a million and a half for improvements, he thought it right to look to Whitechapel, Southwark, and Lambeth, in which there were poor and densely-populated districts which much required improvement, and that if the penny was to be granted at all, he should propose that it should be appropriated to the benefit of those places. And yet now, after all that had passed, his hon. Friend came and said, that under the circumstances he should oppose the tax being imposed at all.

Mr. *Masterman* said, in explanation, that he had said in the Committee that if the tax was to be carried, the city of London would expect a portion of it of course.

Viscount *Howick* said, that this bill would tax the consumers of coal in the valley of the Thames, in order to make improvements in which they had no interest whatever. He knew the condition of the labouring classes in that district, and he was aware that in Staines, and Datchet, and Windsor, the high price of coals was a serious evil to the working classes. When he looked to the condition of the working classes in that district, as compared with the condition of the same class in his native county, he could not avoid remarking the inferiority of the condition of the labouring classes in the valley of the Thames, and he attributed much of that to the price of fuel; he was, therefore, opposed to this tax upon coal for a purpose in which a great number of the consumers had no interest. Another objection to the tax, was its indirect operation as regarded the poor man, who in consequence of buying his coal in small quantities, would be obliged to pay twopence instead of a penny a ton as a tax. It would be highly desirable to expend a considerable outlay in improving localities densely populated; but there were sources available for that purpose infinitely preferable to this, one of which would be the levying of a house tax, or of a tax upon the ground-rents in the particular districts selected for improvement. To adopt either of these modes would enable the Government to raise a sufficient tax from the owners of property, instead of an insufficient tax from the labouring and poorer classes. The value of property in the improved districts was increased to the full amount of the tax, if not in a much greater ratio. These were his grounds for opposing this tax. It was highly objectionable as concerned the labouring classes who paid the tax throughout the valley of the Thames. He thought the Government might have commuted the whole tax; and he, for one, would not consent to the continuance of even a portion of it.

Sir *R. Peel* said, that the object contemplated by his noble Friend was not the mere ornament of the metropolis, but that his proposal was simply to constitute a fund for public improvements, which could not be appropriated without the sanction of Parliament; and when his noble Friend asked the House to let him appropriate this fund, he was desirous expressly to provide by it the means of promoting the health and comfort of those districts of the metropolis where, from the crowded state of the buildings and dwelling-houses, there was the greatest liability to disease. Of late years very general attention had been called to this important subject. He (Sir R. Peel) would confine himself now to the metropolis, and to the particular parts of it, the salubrity of which it was proposed to promote; and, in so doing, he felt it his duty to call the attention of the Committee to specific facts, connected with the state of those parts of the metropolis. Dr. Southwood Smith, a gentleman of great talent and experience, had directed his attention to this subject, and had personally observed the condition of the metropolis in its several districts. He had attended for many years at the Fever Hospital, and observed:

"The records of the London Fever Hospital prove, unhappily, that there are certain localities in the metropolis and its vicinity which are the constant seats of fever, from which this disease is never absent, although it may be found to prevail less extensively and with less severity in some years and some seasons than in others, but still in which it is incessantly committing its ravages."

The work from which the right hon. Ba-

ronet quoted then went on to state that the author's experience, during the present year, afforded a verification of the correctness of these statements. The metropolis had been visited by an epidemic, which was still raging, but which did not prevail in every part of London; nor did it prevail even in every fever district; for there were districts in this town known by that name. The author was asked why he called these districts by that name; to which the reply was, that—

"There are many districts in which fever is always so prevalent that the localities in question may be regarded as the ordinary seats of that disease."

Farther on it was stated, that—

"From the commencement of January to April in the present year, we have actually received into the wards of the hospital five hundred fever patients, and during a considerable portion of that time applications for admission have been refused, at the rate of thirty or forty a day, in consequence of there being no accommodation for them."

And again—

"In some districts there is hardly a single house in which fever has not prevailed, and in some cases hardly a single room in a house in which it was not to be found. I have observed this in particular to be the case in certain localities about Bethnal-green."

Now the object of the present measure was to provide a fund for the purpose of counteracting, and, if possible, wholly removing these evils. A Committee had suggested that the best mode of so doing was to put a duty upon coal. The noble Lord suggested a tax upon property, on the property of those who would be benefited by the contemplated improvements. That certainly appeared, at first sight, both judicious and rational. Nothing, however, was more difficult, when they came practically to deal with the question, than to say precisely who were the parties so benefited. If they could tell him who were the parties who would be benefited by improvements such as contemplated in Bethnal-green and Whitechapel, and enable him to apportion properly and equitably those burdens which, on account of the benefits which would accrue to their property from improvements, they would be liable to bear, he would willingly wave the proposition now before the House, and adopt the suggestion which had been made. The improvements contemplated would be beneficial to several districts, not only in a healthful but also in a moral point of view. The Government, therefore, proposed—having no other means at present at command liable to less objection—to continue for a definite period the tax of one penny a ton upon coals, a tax which was now in existence. When it became a question, when there was a duty already existing of thirteen pence a ton, and which was to endure until the year 1862, with the exception of a penny a ton of that duty, which was about to expire, what was to be done with that small duty so about to expire; the Government proposed that the penny a ton should be continued for the same period as the other twelve-pence, in order that—the twelve-pence being applied to other purposes—the additional penny might be appropriated, not to the purposes of the Government, but for the purpose of constituting a fund from which the districts of the metropolis, called the fever districts, should be supplied with the means of necessary and permanent improvement. Looking at the parties to be benefited, looking at the evils under which these parties now suffered, at the fevers and other diseases which existed amongst them, and contrasting these sufferings with the absolute good which would arise from giving, for a certain number of years, such a sum as 11,000*l.* a year to form a fund for the mitigation of the evils alluded to, he could not but think that the actual practical physical good which would accrue from such an appropriation would greatly predominate over all the objections to the tax. Those were the grounds on which he gave his cordial support to the Motion of his noble Friend.

Mr. Alderman *Humphery* would not have said one word, had it not been for the fallacy of the noble Lord's proposition, when he said that the poor were to be benefited by the penny tax being taken off. He would like to know if the taking off the duty would reduce the price of coals to the poor? Now, by every improvement which took place in London the poor received a positive benefit. As one instance of this, he would like the noble Lord to see the number of those employed in the manufacture of bricks, called for by the various improvements at present in progress. As to the benefit which it was said the poor would derive from the abolition of the tax of an additional penny a ton on coals, he would like

to know how many poor families consumed more than one ton a year? In that case the saving to each family would be a penny a year.

Mr. *Hawes* said, that all parties were agreed that this was in itself a bad tax. The right hon. Baronet said, that it was extremely difficult to suggest any other tax as a substitute for it, and as the Government were anxious that great sanatory benefits should be conferred upon certain districts, they were reduced to the necessity of continuing this tax. He, however, wished to know if the Commission had ever seriously inquired whether a substitute could or could not be found? So far as he had learnt, he believed they had not. It was worthy of remark, that upon that Commission were few persons connected with the metropolis. Nor was he ready to believe that the residents of the metropolis would not consent to the imposition of some other tax as a substitute for this, for the purpose of affording a fund by which to effect improvements. A great deal had been said about the price of coal. As far as the price was concerned, much effect might not be produced, either one way or other, by the remission of the duty. He objected to the continuance of this tax, because he believed that a little more investigation would have led to the discovery of a better source of taxation, for the purposes contemplated—a source free from the objections which were chargeable upon this tax; and which, if it pressed heavily upon individuals, would fall upon the rich and not upon the poor; whereas the coal-tax was distinctly a tax pressing upon the poor for the benefit of property, wherever its proceeds were to be expended in improvements.

Sir *Charles Lemon* was understood to say, that the Committee did inquire whether a substitute could not be discovered for the present tax, but had come to the conclusion that such could not be found.

Mr. *Hutt* regretted that the noble Lord (the Earl of Lincoln) had come forward as the advocate of such a measure as this. It was a proposition for laying a tax upon the poorer classes, in opposition to every principle of sound policy. He objected to the principle of the tax—not to its amount; but the question of principle had been altogether abandoned by the noble Lord. Already the amount of taxation to be paid by coal coming from the north of England was disgraceful to the legislation of the country, and the noble Lord would gain but little credit from attempting to increase it. He trusted the House would, notwithstanding the confidence which the noble Lord reposed in his majority, after the discussion which had now taken place, rally round sound principle, and defeat the Government.

The Committee divided on the Question, that the words be inserted:—Ayes 69; Noes 42: Majority 27.

Remaining clauses agreed to.

House resumed. Report to be received.

POOR LAW AMENDMENT (SCOTLAND).] House in Committee on the Poor Law Amendment (Scotland) Bill.

Clauses to 64 inclusive, agreed to.

On Clause 65, which enacts that all assessments imposed for the relief of the poor shall be applicable to the relief of occasional as well as permanent poor; provided always, that nothing therein contained shall be held to confer a right to demand relief on able-bodied persons out of employment,

Mr. *Hastie* inquired, whether there was not a decision of the Scotch courts that the able-bodied poor were entitled to relief?

The *Lord Advocate* observed that there was such a decision; but still the prevailing opinion was, that able-bodied persons were not now entitled to relief by law. The present Bill would leave the law as it now was.

Mr. *Aglionby* thought it a great evil to leave the law in doubt; and the weak, impotent, and destitute, ought not to be the only objects of the Bill, if the able-bodied could not get work. The word "occasional" would not include them; for that only designated cases of temporary sickness and the like, as opposed to "permanent" poor. Let the workhouse test or any other be applied; but the able-bodied poor, when out of work, must not starve.

Mr. *Pringle* said, there was no wish in Scotland to have the present system changed. Able-bodied poor out of work must go elsewhere to find it; by law the parish could not, however willing, relieve them. If it were done, it would change the whole habits of the people, and the Bill would be a perfect nuisance; and in some places the people would live in a state of idleness.

Mr. *Borthwick* was sure the workhouse test would not suit Scotland; it was only calculated to destroy the independence of the people. The able-bodied poor were not now entitled to relief in the sense in which other poor were; but it was neither the law nor the practice in Scotland to exclude them from all relief when starving. The best way would be to move the omission of the proviso.

Mr. *Ewart* thought the law, being ambiguous, ought to be settled by this Act; but the present clause seemed to exclude able-bodied poor from relief, even when only occasionally destitute.

Mr. *S. Crawford* agreed that the proviso had better be excluded. If the able-bodied poor had a right to relief, it ought not to be taken away, particularly when the clearance system had been prevailing, as it had been proved to be, in some parts of Scotland.

Mr. *Ewart* moved that the proviso—

"That nothing herein contained shall be held to confer a right to demand relief on able-bodied persons out of employment"—

be omitted.

Mr. *Hastie* said, that in Paisley the authorities had had the greatest possible difficulty in keeping the public peace in times of distress, when they were told that by the law in England no man could be allowed to starve, and when they had an impression that under the law of Scotland they had a legal right to demand relief. He called upon the Government in this clause to determine whether the able-bodied should or should not have the right.

Mr. *Borthwick* said, that by the law of 1579 in Scotland, as by the law of the same year in England, the able-bodied poor were to be provided with work, and the proviso in this clause would do away with the old law.

The Committee divided on the Question, that the words proposed to be left out stand part of the clause:—Ayes 73; Noes 21: Majority 52.

Mr. *Hastie* moved the following proviso:—

"Provided nevertheless, that it shall be lawful for the Parochial Board of every parish, or combination of parishes, to allow out of the funds raised by assessment or otherwise for the relief of the poor thereof, such relief to able-bodied persons within such parishes or combination of parishes as the Board may deem necessary, during the existence of temporary distress, arising from the inability of such person to obtain employment; Provided always, that such relief to the able-bodied has the approbation of the Board of Supervision."

The *Lord Advocate* said, he must oppose this clause upon the same grounds as the previous proposition. If it were dangerous to introduce the principle of able-bodied relief, under particular circumstances, into counties, it was equally so as regarded town.

After a few words from Mr. *Ross* and Mr. *Baine*, in support of the clause,

The Committee again divided on the Question that the clause be added:—Ayes 31; Noes 67: Majority 36.

Clause agreed to.

On Clause 71,

Mr. *Sharman Crawford* moved to expunge the proviso at the end of the clause, enacting—

"That it shall not be competent for any Court of Law to entertain or decide any action relative to the amount of relief granted by parochial Boards, unless the Board of Supervision shall previously have declared that there is a just cause of action, as hereinbefore provided."

The hon. Member said he could not consent to create any obstacle to the poor man obtaining relief by appealing to the higher court of justice; and he must, therefore, press the Amendment.

Mr. *P. M. Stewart* hoped that some explanation from the proper quarter would be given of this anomalous clause. It was unconstitutional in principle, and its operation would be most unfair and unjust to the poor.

The *Lord Advocate* said, the clause was one which would confer the greatest possible benefit on the poor of Scotland. It would take them out of the hands of those professional persons who had their interests under their control at present; it would relieve them from the tedium and risk of lawsuits, and would save the parish funds for the relief of pauperism. The case stood thus at present: if the parochial board should not listen to the pauper's application for relief, he could go to the Supreme Court, and he could get relief there, because, being a pauper, he could sue *in formâ pauperis;* but in order so to sue, he must obtain a certificate from a body of professional persons, who, by the practice of the court, were appointed to investigate the matter, and report whether the party applying had a good case or not. Then, having got their certificate, he could go before the court; but he might be there

many long years. What did this clause give him? It enacted that, if the parochial board should not have given the pauper what he thought adequate relief, instead of remaining content with that decision (as must be done in England), he should be enabled, by the simplest application—by a mere letter—to the board of supervision, to call upon them to consider his case and inquire into it; and he (the Lord Advocate) ventured to say that a board constituted as that would be, partly of lawyers and partly of persons not lawyers, would be as capable of saying whether the pauper had a good case, and giving him a certificate to sue *in formâ pauperis*, as the lawyers who at present reported to the Court of Session. But more than this, the board of supervision was empowered to fix the amount of relief which the pauper should receive, and that amount of relief he would receive unless it were taken from him by the court of law, and he could get that without expense or delay. Was that no benefit? If the matter were carried into a court of law, he (the Lord Advocate) ventured to say, that no long time would elapse before it would be found that the court very seldom overthrew the decision of the board of supervision in his favour, if any parish should have the temerity to enter into litigation on the subject.

Mr. *Aglionby* thought the learned Lord Advocate had not answered the objection of the hon. Member (Mr. S. Crawford). The hon. Member objected that where the board of supervision should have refused a certificate, the pauper would be barred from suing *in formâ pauperis*, unless he obtained the certificate of the learned persons of whom the Lord Advocate had spoken, and who would never grant a certificate after the refusal of the board. The pauper would also be barred of his interim aliment, and it was for these reasons, which the learned Lord Advocate had not refuted, that the proviso appeared to him (Mr. Aglionby) to be worse than useless. To expunge it would not lead to litigation either on the part of attorneys or paupers, and he thought it ought not to stand in the Bill.

Mr. *Hastie* observed, that this clause provided one law for the rich, and another for the poor. The rich man could go at once to the Court of Session, whilst that step was denied to the poor man.

Mr. *Wakley* could not support the clause, for he believed that it tended to make this Bill one of the most cruel Poor Laws that ever was enacted. The Bill itself inflicted the greatest possible injury upon the poor of Scotland; and, looking at this clause, and those clauses further on with regard to settlement, he feared that he had done wrong hitherto in giving his support to it at all. He trusted that the Bill would not be allowed to pass this Session, at any rate, and he would beg to ask the right hon. Gentleman why such a proviso should be allowed to remain?

The Committee divided, on the Question, that the proviso stand part of the clause: —Ayes 79; Noes 35: Majority 44.

Clause agreed to.

On Clause 72,

"That from and after the passing of this Act, no person shall be held to have acquired a settlement in any parish by residence, unless such person shall have resided for five years in such parish:"

Lord *Duncan* moved that the term of five years should be substituted for seven years.

The Committee divided on the Question, that the word "five" stand part of the clause:—Ayes 108; Noes 8: Majority 100.

The Committee again divided on the Question, that the word "continuously" be inserted after the words "five years": —Ayes 88; Noes 25: Majority 63.

Amendment agreed to.

The *Lord Advocate* proposed an alterationunder which the Irish were to be enabled to obtain a settlement in Scotland after certain residence, and under certain circumstances. It had been said that as the Scotch were allowed to obtain a settlement in Ireland without any condition, the Irish, upon a principle of reciprocity, should have the same benefit in Scotland. But the share of nothing which the Irish gave to the Scotch, was no reason for the share of something which the Irish claimed from them. But be that as it might, a fixed residence ought to be demanded from every stranger before he gained a settlement; and under the Bill, as it now stood, the Irish were treated in the same manner as other strangers. He proposed to strike out certain words of the clause in order that, if a person had been absent five years, without having resided say twelvemonths out of that period in the parish to which he belonged, his right of settlement should not be continued.

Colonel *Rawdon* thought the proposition of the hon. and learned Advocate was a fair one. He desired to see the Irishman in Scotland placed upon the same footing as the Scotchman in Ireland.

Mr. *George Hamilton* said, he thought the proposition a fair one. It was fairer than the speech, and better than the reasoning, of the Lord Advocate; the learned Lord had neither done justice to the Irish, nor to the administration of the Irish Poor Law. It was quite true that there was no settlement or right to relief founded upon settlement in Ireland; but then it should be recollected that the want of a settlement in Ireland did not preclude relief—and the relief afforded was not an occasional but a permanent relief. That relief was afforded in Ireland to Scotchmen equally as to Irishmen—destitution was there the only qualification for relief; and, practically, every destitute person was considered to have a right to relief, whatever country he belonged to. Instead, therefore, of there being no reciprocity, as the Lord Advocate had stated, the Scotchman in Ireland was actually better off than in Scotland. In Scotland the Scotchman could not claim relief, unless he had a settlement of five years' industrial residence. In Ireland he was relieved, without settlement, if he was destitute. The Irish system, therefore, was the more liberal of the two—and Scotchmen had no reason to complain. At the same time he thought it not unfair that a stranger, after acquiring a settlement, should forfeit it by a long absence; and he was, therefore, satisfied with the proposition of Government.

Viscount *Duncan* observed, that in England the law of settlement was very stringent; that in Ireland there was no law of settlement; and he now wanted to know if it were intended that five years' residence in Scotland should constitute a right to relief. He would ask, were they prepared to allow as many as pleased of the disabled Irish to establish themselves in Scotland?

Viscount *Clements* said, that a great many Scotchmen were employed in Ireland in confidential and lucrative situations; therefore no undue impediment should be put in the way of the Irish acquiring settlements in Scotland.

Mr. *Lockhart* thought the alteration introduced into the clause affecting the Irish paupers, merited the most serious attention of hon. Members opposite.

Sir *W. Somerville* hastened to express the satisfaction with which he witnessed the favourable change made in the Bill so far as the natives of Ireland were concerned. He was quite certain that the sentiment of hospitality which inspired that alteration, was felt, to an equal if not a greater degree, amongst his countrymen for strangers. Indeed, he could quote instances in which, amongst the applicants for relief in a district in the south of Ireland, preference had been given to Scotchmen over Irishmen, purely from a generous desire to relieve the stranger first.

Sir *J. M'Taggart* objected most strongly to the proposed alteration in the law of settlement in Scotland as regarded the Irish. In the district with which he was connected, and which he consequently best knew, the Scotch very seriously felt their irruption. On looking at the roll of the poor in his own parish, he found that four-fifths of those receiving relief were Irish. The influx was principally from Donaghadee to Portpatrick. One day, when he was crossing over from Ireland to the latter port, he said to an Irish labourer, who was a passenger in the same vessel, "Well, Pat, and what takes you to Scotland?" "Oh, an sure your Honour," replied the fellow, "it is not want, for we've plenty of that at home." He objected to any alteration in the clause.

Colonel *Rawdon* said, that after the alteration made by the learned Lord Advocate, he should certainly not persist in bringing forward the Amendment of which he had given notice.

Mr. *P. M. Stewart* approved of the alterations proposed by the Lord Advocate. He thought that after five years' industrial labour, a man earned a right to settlement; and he believed, that if the law was properly observed by residents in Scotland, they would have none but useful Irishmen in that country.

Mr. *G. Craig* complained, that the provisions of this Bill should be abandoned in this wholesale way. He must say, he thought the Scotch Members were not treated with proper respect, when important alterations were introduced of which they had received no intimation.

The Amendments proposed by the Lord Advocate were then agreed to.

The Committee divided, on the Question, that the clause as amended stand

part of the Bill:—Ayes 95; Noes 16: Majority 79.

Clause agreed to. House resumed. Committee to sit again.

House adjourned at two o'clock.

HOUSE OF LORDS,

Tuesday, July 15, 1845.

MINUTES.] *Sat first.*—The Lord Harris, after the Death of his Father.

BILLS. *Public.*—*Reported.*—Administration of Justice (Court of Chancery) Acts Amendment; Law of Defamation and Libel Act Amendment: Constables, Public Works (Ireland); Statute Labour (Scotland).

3ª and passed:—Unions (Ireland).

Reported.—Sampson's Estate (Ward's); Preston and Wyre Railway; Wear Valley Railway; Liverpool and Bury Railway (Bolton, Wigan, and Liverpool Railway and Bury Extension); Erewash Valley Railway; Direct London and Portsmouth Railway; Harwell and Streatley Road; Saint Matthew's (Bethnal Green) Rectory.

3ª and passed:—Sir Robert Keith Dick's Estate.

PETITIONS PRESENTED. By Bishop of London, from Lerwick, and Old Meldrum, for the Suppression of Intemperance, especially on the Sabbath.—By the Marquess of Breadalbane, from Free Church at Holytown, and from Inhabitants of Stanley, against the Running of Railway Trains on the Sabbath.—By Lord Campbell, from General Convention of Royal Burghs of Scotland, for the Adoption of a Measure to abolish Exclusive Privileges in Trade.—By Marquess of Breadalbane, from Presbytery of Inverary, and of Lorn, for Improving the Condition of Schoolmasters (Scotland).—From Congregation of Free Church of Bridge of Allan, for the Adoption of a Measure to change the present System of Parochial Schools (Scotland).

TENANTS' COMPENSATION (IRELAND) BILL.] Lord *Stanley* said, that he would hope to be excused for the irregularity of referring to anything that took place in a Select Committee; but at its last meeting he stated, on the part of the Government, that seeing the strong feeling manifested both in Committee and in the House, it was the intention of the Government to propose various and not unimportant modifications in the measure. From the pressure of business upon the Attorney General for Ireland, and from various circumstances, there had been great difficulty in engrafting such Amendments on the Bill; and though he (Lord Stanley) did not give up the hope of presenting the Bill in the present Session, as amended by the Committee, yet looking to the state of the Session, and the opposition to be expected, he thought it fair to noble Lords concerned upon the subject to say, that he did not intend, upon that Bill, in the course of the present Session, to take the opinion of the House as to any further step.

PRIVILEGE.] Lord *Brougham* presented a petition from John Harlow, now in custody, stating that since the publication of the Report of the Committee before which Mr. Baker gave evidence, the petitioner had suffered in his trade and character by the circulation of that Report; that proceedings in a criminal court were at that time pending in relation to the matter to which Mr. Baker's testimony referred, and Mr. Baker was afterwards examined as a witness in those proceedings, but never attempted to prove what he had stated before the Committee; that the statement was false and untrue; and the petitioner trusted the House would be graciously pleased to make some allowance for his feelings being so wounded; that he would not have taken the present proceedings, if he had been aware of their being a breach of privilege, and he had accordingly instructed his solicitor to withdraw the action; and the petitioner humbly expressed his extreme regret at having committed a breach of privilege, and hoped the House would be graciously pleased to pardon the offence he had so unintentionally committed. The noble and learned Lord added, that it was impossible to express greater contrition for the grave and inexpiable offence of having resorted to the law of the land. It was not known by the petitioner to be a crime; it was known only to Parliament; it had never been promulgated in any law. He moved that John Harlow be discharged out of custody on payment of his fees; for so, he was sorry to say, it must be.

The *Lord Chancellor*, on the facts stated in the petition, was willing to accede to the Motion. As the noble and learned Lord was not acting as counsel for this person, the latter must not be held answerable for what he had said.

Lord *Campbell* thought it would not be exactly fair to the petitioner to make him answerable for the sarcasms of his noble and learned Friend, and he should, therefore, concur in the Motion.

The said John Harlow was then brought to the bar, and reprimanded in the following terms by

The *Lord Chancellor:* You have been taken into custody for a breach of the acknowledged privileges of this House, in bringing an action against Thomas Baker, for words which he spoke in the course of giving evidence before one of the Committees of this House. For that offence you have been committed to custody. You have presented a petition in which you have expressed your contrition, and you have also stated that you have given orders

to discontinue the action. Their Lordships are disposed to deal leniently with you, and have, therefore, ordered that you be discharged out of custody on paying your fees.

Then he was taken from the bar.

Lord *Brougham* said, that, after the rebuke which he had received from his noble and learned Friend the junior law Lord, and almost the junior Peer in that House, he should take care not to fall into the same error again; for he might, peradventure, be committed himself for a breach of those privileges which were so notorious to-night, but which were stated to be unknown yesterday. He begged now to present a petition from Peter Taite Harbin, the attorney who had brought the action, stating that he had submitted the case to a gentleman of great legal acquirements, and by his advice had commenced the action; that he was not aware that he had committed a breach of privilege; that he regretted the course which he had taken, and had now abandoned the proceedings; he hoped, therefore, that their Lordships would pardon the offence which he had unintentionally committed, and order his discharge out of custody. He (Lord Brougham) begged, therefore, to move that the petitioner be discharged upon payment of his fees. He did not move that they should take the learned counsel into custody who was accessory before the fact, and who had certainly been guilty of as great a breach of privilege as the petitioner; but their Lordships would consult their interests by leaving him alone.

Lord *Campbell* thought enough had been done for the public good; and he had no doubt his noble and learned Friend (Lord Brougham), who felt so warmly on the subject, would pay the fees both of the attorney and the tobacconist.

Lord *Brougham:* I think I have done quite enough for the privileges of this House, in keeping my gravity during the operation which has lately been performed.

The said Peter Taite Harbin was then brought to the bar, and reprimanded in the following terms by

The *Lord Chancellor:* You have been taken into custody for a breach of the acknowledged privileges of this House. There are circumstances which would have led me to suppose that you had advisedly committed this offence. I will not, however, take upon myself to say that you have done so, for you have stated yourself that you did it in ignorance, and have expressed your contrition for the offence. You have also stated that you will discontinue the action, and their Lordships are of opinion that you ought to be discharged on paying your fees.

Then he was taken from the bar.

Lord *Campbell* gave notice that he would, early next Session, unless the Government or some Peer entitled to more weight than himself—being the junior law Lord and junior Peer in the House—did it before, introduce a Bill to enable their Lordships, and the other House of Parliament, when an action was brought in violation of their privileges, to stay such action in the same manner as actions were now stayed when they were brought for publishing Papers under the orders of their Lordships' House. Such a measure would give them the power which the Court of Chancery now had to stay proceedings.

SPANISH COLONIAL SUGAR.] The Earl of *Clarendon:* In calling the attention of your Lordships to the correspondence which has recently been laid upon the Table, and in asking your Lordships to agree to the Resolution which I shall have the honour to propose, I trust I need not assure the House that I am actuated by no party motive. Indeed, I am sure that my noble Friend the Secretary of State for Foreign Affairs, will do me the justice to believe that no consideration whatever could induce me to treat of our relations with other countries in the spirit of a partisan; for, with respect to foreign affairs, I hold that our own domestic differences should always be laid aside, because we have all, be our political opinions what they may, a common interest in exhibiting ourselves to the world united, and in an attitude to command respect; and we are all equally concerned in advancing the interests, and, above everything, in upholding the dignity, and maintaining unsullied the honour and good faith of our country. Differences of opinion will of course arise as to the means by which these great national objects may be most effectually secured; but they should always be approached with the caution befitting their importance, and be discussed, not in the spirit of party, but in the spirit of men having a common purpose and a common interest in view. Such being my opinion, and feeling confidence, as I do, in the just and honourable character of my noble Friend, your Lordships will readily believe that a painful sense of duty alone could have induced me to call your atten-

tion to the correspondence which has lately taken place between my noble Friend and the Spanish Minister; involving, as I think it does, a question of national faith, and requiring, as I am sure it does, some further explanation, not alone for our own satisfaction, but in order to prove to the world that your Lordships, as well as Her Majesty's Government, are scrupulously mindful of the international duties of the country, and that no interested motives nor apprehended sacrifices could, for one moment, make us hesitate to recognise the solemn obligations of a Treaty; for I need not remind your Lordships, that by a Treaty the honour of a country is deliberately pledged, and that, as the engagements of a Treaty impose on the one hand a perfect obligation, so they produce on the other a perfect right. The breach of a Treaty is, therefore, a violation of the perfect right of the party with whom we have contracted, and is as evidently an act of injustice as to rob a man of his property. Treaties are the only means by which we can provide for international objects, and secure protection for the subjects, and advantages for the commerce of our country; and considering our extended relations in every part of the world, it is evident that no country is equally interested with our own—setting aside the duty which honour imposes—in maintaining inviolate the obligations of a Treaty. It may suit other Governments, whose ways are not always those of justice and integrity—and I could name instances—to evade such obligations when they find them onerous, and to defend themselves by sophistry and casuistical arguments, by which they deceive nobody, and least of all themselves; but such a course is not suited to us—our national character is placed on too high an eminence—our honour is too unsullied—our good faith in all our dealings is too universally acknowledged for us to tolerate the suspicion even, that either because we are dealing with a Power from whom we have nothing to fear, or because the consequences may be injurious to ourselves, we are about to evade the performance of a promise which, with reference either to its letter or its spirit, we are in duty bound to fulfil. I will not affirm that such has been our conduct; but I do say that the answer of my noble Friend is, to my mind, neither satisfactory nor conclusive to a claim which, as I read the Treaties, appears to me perfectly unquestionable. The Duke of Sotomayor, the Spanish Minister, in a decorous and well-argued note, claims, under the existing Treaties between the two countries, that the sugars of Cuba and Puerto Rico should be admitted to the same advantages as the sugars of the United States and Venezuela. The Duke of Sotomayor says—

"These Treaties have not only always been faithfully observed on the part of Spain, but the most favourable construction has always been put upon English claims, reliance being had on just reciprocity, as the necessary condition of the validity and consistency of those claims."

And here I must bear testimony to the perfect correctness of this assertion; for I myself, when at Madrid, had occasion to plead these Treaties in defence of some important British rights, and my claim was unhesitatingly admitted by the Spanish Government. Indeed, as I well considered the Sugar Bill of this year in its relation with foreign countries, and took some part in the debate upon it here, I feel almost ashamed of myself for having neglected to remind your Lordships of these Treaties; but I must say, I think it very little creditable to those by whom a Bill, involving such new and, as I consider, such dangerous principles, was prepared, that they should have been altogether ignorant, as they manifestly were, of the existence even of the numerous Treaties which bore directly upon the subject which it was their duty to investigate. In the early portions of my noble Friend's reply to the Duke of Sotomayor, I entirely agree. I think he is quite justified in saying that the course which her Majesty's Government have adopted in respect of the United States and Venezuela, proves that they have no wish to escape from the obligations of a Treaty, and claim no right to limit the operations of a commercial engagement. I think my noble Friend is quite right in passing over the Duke of Sotomayor's declaration, that his Government is determined to suppress the Slave Trade, not only as irrelevant to the question, but because, notwithstanding the Treaty that has recently been concluded, the Spanish Government cannot be considered to have any sincere desire to suppress the Slave Trade so long as they retain General O'Donnell as Captain General of Cuba. I possess authentic information, with which of course I shall not now trouble your Lordships, proving how largely General O'Donnell not only promotes, but actually participates in the Slave Trade, contrary to the wishes and the interests of the great majority of

plantersin that island, but with the full knowledge of the Spanish Government; which is, therefore, indirectly abetting, and not sincerely endeavouring to suppress the Slave Trade. I think also that my noble Friend was quite right in not entertaining the Duke of Sotomayor's argument in support of his claim, founded upon the admission of the produce of the Philippine Islands; for that concession was manifestly made in furtherance of the principle (if principle it can be called) of our Sugar Bill, and, as my noble Friend says, most justly, had no reference whatever to the Treaties in force with Spain; for it is quite clear that Her Majesty's Government never gave them a thought, and were to all appearance ignorant of their existence. From all the rest of my noble Friend's note, I am compelled entirely to dissent; and I regret that his rejection of the Spanish claim should be based upon arguments so untenable, and that his name should be appended to a document which will reflect such discredit upon the country. Now I beg your Lordships' attention to Articles of the Treaties. [Lord Clarendon then read the 38th Article of the Treaty of 1667; the 9th Article of the Treaty of Utrecht, signed 13th of July, 1713; and the subsequent Treaty of Utrecht, signed December 9, 1713, by which it is stipulated that—

"The subjects of the respective Powers shall enjoy at least the same privileges, liberties, and immunities as to all duties, impositions, or customs whatsoever, relating to persons, goods, and merchandises, &c., and shall have the like favour in all things as the subjects of France, or any other foreign nation the most favoured, have, possess, and enjoy, or at any time hereafter may have, possess, or enjoy; and they shall not be bound to pay greater duties, or other imposts whatsoever for their imports or exports, than shall be exacted of, or paid by the subjects of the most favoured nation," &c.]

I defy any form of words to be more explicit than this; and yet my noble Friend says in his Note, he is satisfied that they are of no effect whatever in establishing a right on the part of Spain to that which she now claims, because by an Article in a Treaty of 1670, it appears that the West India Colonies of both countries are excepted from these general privileges, and the subjects of the two Powers are respectively forbidden to trade with those Colonies. It is perfectly true, that owing to there having been no new Treaty made between England and Spain since 1796, or rather since 1667, except Treaties ratifying and confirming prior stipulations, the words of the Treaty of 1670 remain unchanged; but it is equally true, that by the altered circumstances of the world, and of the relations between the two countries, they have, as I hope to prove to your Lordships, become entirely obsolete. The non-intercourse with the Spanish and British West Indies, and the granting of licenses to trade there by the respective Kings, are as much fallen into desuetude as the prohibition to the subjects, captains, and mariners of each confederate to sell and trade in the ports and havens which have castles, fortifications, and magazines; and the best proof of that is, that the respective subjects and mariners do sail, and have long sailed into ports having magazines and fortifications, and do trade freely, and have long since traded freely, and without any question of license, in the dominions of the respective Powers in the West Indies. To take our stand, therefore, upon the dead letter of a Treaty, which is so manifestly at variance with its spirit, and is so completely falsified by the everyday practice of many years, is, I must contend, a quibble in its worst form, and an evasion of an obligation so palpable, that I think it would not be listened to in any court of equity; and I am sure it would be utterly scouted by men of honour in their individual transactions with each other. It seems to me that in framing this part of his note, my noble Friend must have totally lost sight of the actual as well as the ancient relations of England with Cuba and Porto Rico. He appears to have forgotten that the prohibition which he refers to has never been at any time strictly maintained; for in this, as in all other instances, the wants and the interests of men have proved more powerful than the laws made to restrain them; and accordingly it will be found on reference to a work of great authority—that of Bryan Edwards—that in the early part of last century, so large a trade was carried on between Jamaica and the Spanish Colonies, that it employed 4,000 tons of British shipping, and furnished a market for 1,500,000*l.* worth of British goods; and that this commerce has always since been carried on with more or less interruption on the part of the respective Governments. My noble Friend appears not to be aware, that in 1767 the Spanish Government, becoming alarmed at our reaping the exclusive benefit of this trade, permitted

English goods to be sent to the West Indian possessions on payment of very moderate duties; that in 1766 the chief ports of Jamaica and Dominica were opened by Act of Parliament to all foreign vessels of a certain description; and that some years later the House of Commons passed a Resolution that the continuance of free ports in Jamaica would be highly beneficial to the trade and manufactures of the kingdom. Sugar and coffee, the produce of foreign Colonies, were then permitted to be imported in British vessels, and to be warehoused in this country, and re-exported free of duty; but if intended for home consumption, they were to pay the duties legally due at the time on the importation of such goods. Sugar and coffee, the produce of foreign plantations, were permitted to be imported in foreign vessels into the Bahama and Bermuda Islands under the Acts 27 and 30 George III.; and such goods, if carried from those islands to any other part of the British dominions, were to pay the duties which at the time were payable on foreign sugar and coffee. Your Lordships will, therefore, see that the intercourse between the Spanish and British West Indies has been clearly legalized by Acts of Parliament, even when our own navigation laws were *de jure* in full force. But I must also beg the House to bear in mind what are our actual relations with the Spanish West Indies:—That we have Consuls at different places in Cuba and Porto Rico, who have been long established there—that our exports to Cuba exceed 3,000,000 of dollars — that we import from thence to the amount of more than 9,000,000 of dollars, which is nearly double the exports of that island to the United States—that between 400 and 500 British ships trade annually with Cuba—that our commerce with Porto Rico is, in proportion, quite as great as that with Cuba, and that the shipping engaged in it, which, five years ago, amounted to nearly 1,100 tons, is annually increasing—and, lastly, that for upwards of twenty years since the alteration of our navigation laws, it has been legal, not only for an Englishman in English ships, but for a Spaniard in Spanish ships, to import into this country the produce of Cuba and Porto Rico. My noble Friend appears to have forgotten also that we do not hesitate to take annually a vast quantity of the copper of Cuba. Here we levy no differential duties: in this case, the old restriction to trade with Cuba is not thought of, because we want the copper—which is produced in a manner ten times more destructive to the life of the slave than the article, in order to prohibit which, we revive this restriction, and declare that the sugar of Cuba is inadmissible. But inadmissible how? Not for the purposes of exchange, for we take any quantity of it in exchange for our commodities—not for the purposes of manufacturing, for our warehouses are full of it, and our refineries depend upon it — not for the purpose of trade, for we buy the products of Germany and Russia with it; but it is solely inadmissible for the purpose of home consumption; and a dead letter of a restriction is dug up and brought to life, for nothing but the purpose of preventing Her Majesty's subjects from eating this polluted sugar. Yet with all these facts staring us in the face—facts which prove that the letter of the Article quoted by my noble Friend has fallen into complete desuetude, and that, consequently, we should alone be governed by the spirit of the Treaty of 1670, by which all the merchandise of Spanish subjects is placed upon the footing of the most favoured nation; I say, that with all these facts before us, to refer to a Treaty 170 years old, and to argue that under its provisions there is a sort of *mare clausum* round these islands, which renders them inaccessible to our traders, not as to their general products, but with respect to one commodity only, and one particular use of that commodity—does really exhibit an intrepidity in special pleading, which, as I said before, would be unavailing in any court of equity or honour, and which, I fear, would not have been resorted to in dealing with any Power from whose resentment we had any thing to apprehend; whereas the very weakness of Spain should have been an additional argument in favour of a generous and liberal interpretation of our engagements with her. My noble Friend lays great stress upon the Fourth Article of the Treaty of 1814, by which it is provided that—

"In the event of the commerce of the Spanish American possessions being opened to foreign nations, His Catholic Majesty promises that Great Britain shall be admitted to trade with those possessions as the most favoured nation."

And he argues, first, that it is evident from these words that the Spanish West Indian Colonies were not then open to Great Britain, or to foreign nations, and, consequently, that the general privileges con-

ferred by the ancient Treaties could not apply in reference to the trade of those possessions; and, secondly, that at the negotiation of the Treaty of 1814, the ancient Treaties were not considered by Spain herself to confer the privileges for which she now contends. All this, however, proves nothing beyond the fact, that on both sides certain restrictions had been agreed upon mutually between the two countries, in regard to the trade with their respective Colonies; which restrictions, being applied equally to all nations, had nothing in them the least inconsistent with either the letter or the spirit of the Treaties. There was nothing in them to prevent Spain excluding English ships and commerce altogether from her Colonies; nor any thing to prevent the full exercise of our old navigation laws with respect to Spain, so long as they applied to all foreign countries alike. But the provisions of those Treaties did render it obligatory upon us, if we altered our laws in favour of any other nation, to do so equally towards Spain; and Spain was equally bound to remove her Colonial restrictions in our favour: if she did so for any other country and in 1814, the American Colonies being then in rebellion, and a prospect existing (though the prospect at that time in the eyes of Spain barely amounted to a possibility) of the trade between the other countries being opened, Spain, in perfect good faith, and in order to carry out the spirit of former Treaties, engaged that England should be admitted to trade with those possessions as the most favoured nation. And yet my hon. Friend now turns this concession, as it was then, against the Spanish Government, and says that, if the ancient Treaties revived by that of 1814, had given to the two nations a mutual and general right to the treatment of the most favoured nation, it would have been unnecessary for Spain to promise, that in the event of the American trade being open to foreign countries, Great Britain should be admitted to trade as the most favoured nation. Now, I do not think there can be a doubt in the mind of any rational man, that the provisions of the former Treaties would have amply sufficed to secure to us all the privileges of the most favoured nation in the West Indian Colonies, if the trade with them had been thrown open; but because, on account of the former restriction, we made security more secure, and probably insisted upon this Article in 1814, at a moment when, after the important services we had rendered to Spain, there was no difficulty in obtaining it, it does appear to me most unjust to draw from it the conclusion that Spain would have withheld from Great Britain the privileges she granted to other nations in respect to her American Colonies, which everybody capable of understanding those Treaties must know we should have considered a direct infraction of them, and should not for one single hour have tolerated. But my noble Friend is determined that whatever may have been the course pursued by Spain, whether she concedes her rights, or is forcibly deprived of them, no interpretation favourable to her shall be admitted. The Duke of Sotomayor contends that Spain has a right to be treated by Great Britain as a most favoured nation in regard to Colonial commerce, because Spain, in 1824, conceded to Great Britain, by Royal Decree, the liberty of trading with her South American Colonies; and he speaks of this Decree as the execution of the engagement taken by Spain in the Treaty of 1814. To this my noble Friend objects, and I agree with him, that the Decree makes no allusion to the Treaty. But it would have been improper, indeed, impossible to do so, because the Decree did not confer upon England alone, but upon all nations in alliance with Spain the privilege to trade with her Colonies; it did, however, concede to us every thing we could expect, or had a right to claim under the Treaty; and although my noble Friend speaks slightingly of the Decree, and treats it (as to a certain extent he is justified in doing) as an *ex post facto* measure, adopted only after the South American Provinces had passed from the authority of Spain, yet he must remember that it applies equally to Cuba and Puerto Rico, which were in a very different position from the South American Provinces. Cuba and Puerto Rico had not passed from the authority of Spain: they were not even in revolt; and the King of Spain might have withheld from Great Britain and all other nations the liberty of trading with those possessions. But he did grant it; and it is the trade with Cuba and Puerto Rico that is now in question, and not that with the South American Colonies; and with regard to those possessions of Spain, therefore, I contend that the Decree does warrant the construction put upon it by the Duke of Sotomayor. But my noble Friend won't hear of that either — and why?

Because we had already helped ourselves to what we had agreed should be conceded to us; or, in other words, as my noble Friend more diplomatically expresses it, the British Parliament, in 1822, had passed a law to regulate the trade between Spanish America and the British Colonies; and early in 1824, it was intimated that the recognition of the South American Provinces could not much longer be delayed. I say nothing of the political motives which brought about this recognition, or the new world that was called into existence to redress the balance of the old, and in punishment of the French invasion of Spain; but I do insist upon the fact that we had, long before this period, given a complete go-by to the restriction upon our trade with the Colonies of Spain—that we had embarked a large amount of capital there, and had considered the Treaty of 1670 to be obsolete. And I must beg the particular attention of the House to an extract from a Paper which was laid before Parliament, by command of Her Majesty, in March, 1824. It is the memorandum of a conference between Mr. Canning and the Prince de Polignac, respecting the South American Provinces; and after speaking of the appointment of Consuls in South America, Mr. Canning proceeds to state—

"That such appointments were absolutely necessary for the protection of British trade in those countries.

"That the old pretension of Spain to interdict all trade with those countries, was, in the opinion of the British Government, altogether obsolete; but that, even if attempted to be enforced against others, it was, with regard to Great Britain, clearly inapplicable.

"That permission to trade with the Spanish Colonies had been conceded to Great Britain in the year 1810, when the mediation of Great Britain between Spain and her Colonies was asked by Spain, and granted by Great Britain; that this mediation, indeed, was not afterwards employed, because Spain changed her counsel; but that it was not, therefore, practicable for Great Britain to withdraw commercial capital once embarked in Spanish America, and to desist from commercial intercourse once established.

"That it had been ever since distinctly understood that the trade was open to British subjects; and that the ancient coast laws of Spain were, so far as regarded them at least, tacitly repealed.

"That, in virtue of this understanding, redress had been demanded of Spain in 1822, for (among other grievances) seizures of vessels for alleged infringements of those laws; which redress the Spanish Government bound itself by a Convention (now in course of execution) to afford."

Yet, notwithstanding all this—notwithstanding that we first procured the abolition of the restriction in 1810 as the price of our mediation, which mediation we did not carry into effect, though we did not, in consequence, absolve Spain from the conditions upon which we undertook it—notwithstanding that we have taken for ourselves everything we wanted, regulated our own trade, and appointed our own Consuls—that we demanded, and obtained, compensation for the restrictive coast-laws of Spain having been applied for—notwithstanding that the King of Spain confirmed what we had done, as far as circumstances would permit him—for, in the words of his Decree, he confirmed "the state of things which had existed since 1820, and some time before;"—nevertheless, my noble Friend declares that he cannot now, twenty years after all this has taken place, and has been definitively settled, perceive that any obligation whatever, of a reciprocal character, is imposed on the Crown of Great Britain with regard to the trade between either country and the Colonies of the other; and he still claims the benefit of an obsolete restriction imposed 170 years ago. Is this generous? Is it just? Is it wise? Is it the fitting policy for a great and powerful country towards one that is feeble and defenceless? Is it the course which becomes a country that has hitherto justly prided itself upon its unblemished honour, and scrupulous observance of its obligations? Is it a prudent course for a country which is always proclaiming its liberality, and recommending its own example? I feel sure it is not; and upon questions such as these, I do with confidence appeal to the justice and generosity of your Lordships. But my noble Friend next proceeds to strengthen his case by reference to the Order in Council of 1828, which, he says, furnishes another proof, not only that Great Britain held that Spain had no right to be treated as a most-favoured nation in respect of Colonial trade, but that the Government of Her Catholic Majesty acquiesced in that view of the commercial relations of the two countries; and my noble Friend adds, that if Spain had considered that any of her existing Treaties conferred upon her the privileges of the most favoured nation with respect to Colonial trade, she would not have remained satisfied with the limited privileges granted by that Order, but would undoubtedly have demanded that the full

privileges granted to other nations should also be accorded to her. But, so far from proving that Spain had no right to favour with respect to Colonial trade, I contend it proves the direct contrary; for upon what other ground than that of Spain's right to claim the privileges granted to foreign ships, were they granted to her, and not only granted, but without Spain having fulfilled the conditions required by the Acts of Parliament, and to which other nations had submitted? I suppose it will not be contended that we went about offering these important privileges to different Governments—a portion to some, and a portion to others—some Governments complying with the Acts of Parliament, others refusing. Of course we did no such thing; but, having granted them to some countries for our own accommodation, we could not refuse them to others who, as in the case of Spain, had a right to claim them. But my noble Friend says, that if Spain had considered that any of her existing Treaties conferred upon her the privileges of the most favoured nation, she would not have remained satisfied with the limited privileges granted by the Order in Council (not that I believe these privileges were limited in any respect), but would undoubtedly have demanded that the full privileges which had been accorded to other nations should be extended to her. Why, I have not the least doubt that the Spanish Government had entirely forgotten, or were wholly ignorant of, the old Treaties, distracted as they were by internal dissensions and the difficulties of administering the country after the French army of occupation had been withdrawn: and this is no improbable assumption, seeing that Her Majesty's Government, who have no such cares on their hands—though they are not altogether free from care—have just shown themselves equally forgetful and ignorant of those Treaties. But is this a reason why we should persist in doing wrong to Spain, and in turning to our own advantage her neglect of her interests? Does this bear out my noble Friend in his present objection, that Spain did not require enough? Before, his complaint was that she demanded too much; and I can only compare his course to that adopted by the big boy in the division of the cake among his little schoolfellows — he who asks, shan't have—he who doesn't ask, don't want; and when my noble Friend asserts that Spain quietly acquiesced in the limitation, it is just what the big boy would say when called to account for his injustice and selfishness—"Why, the little boys all held their tongues; they acquiesced in the principle I laid down, and thereby furnished strong proof that they were conscious they had no right to be placed on the footing of the most favoured boys—that is to say, the big boys, of whom I am afraid—with regard to the cake." But, seriously, are we prepared, upon reasoning such as this, to sully the national honour, and to deprive another country of its just rights? We must have done one of two things: we either, gratuitously and unasked, proffered these Colonial privileges to Spain, or we yielded them, on her demand, as a just right; and in either case, we committed a gross act of injustice, and violated the spirit of our Treaties, in not placing her on the same footing, in every respect, as the most favoured nation; and yet it is upon this very act of injustice, and the ignorance of Spain concerning her rights, or her impotence to enforce them, which we call her acquiescence, that we now found our claim to repeal the Act, and in a precisely way to slip out of our obligations. I now come to a passage in my noble Friend's note, which, desirous as I am to avoid the use of harsh expressions, I hardly know how to designate; but this I must say, that there is no part of the correspondence which I have read with the same regret, or with the same sense of humiliation; for my noble Friend's note will go forth to the world as a manifesto of English faith and English principle; and in every part of the world there can be but one opinion with respect to it. At the same time, however, I felt convinced that my noble Friend must know how weak a cause he was defending, when he stooped to argue it upon the ground that the Treaty of 1713, although it gives to Spanish subjects the rights of most favoured nations, does not extend to their produce. I cannot call this even casuistry or special pleading—I will not call it misrepresentation, because my noble Friend is perfectly incapable of it; but I must consider it a complete misconstruction of the Treaty. My noble Friend says that we are to treat as the subjects of the most favoured nation the subjects of Spain, but that there is no obligation to treat the produce of Spain as Great Britain is used to treat the produce of the most favoured nation; and we find this assertion contained in the same document in which is quoted the Ninth Act of the Treaty of Utrecht, which declares that Spanish subjects shall have the same privileges and

immunities as to all duties and customs relating to goods and merchandises, and shall not pay greater duties for their imports or exports in the territory of Great Britain, than shall be exacted of or paid by the subjects of the most favoured nation! But, surely, my noble Friend must perceive that if his argument be good for anything, it is of general application—it is conclusive against Spain, and the produce of Spain, as well as of her Colonies, under every circumstance that we may choose to give this interpretation to the Treaties; for in them there is no limitation to Spanish European produce, and my noble Friend's argument is just as valid against the wines of Spain, as against the sugars of Cuba. This is, however, the first time that such a distinction between persons and produce was ever heard of; and our own practice towards Spain, and that of Spain towards us, would, I should have thought, been sufficient to prevent my noble Friend from establishing a precedent so mischievous and so discreditable. Why, in 1703, when under the Methuen Treaty, we reduced the duties on Portuguese wines, for the purpose of encouraging to the utmost our trade with Portugal, we did not hesitate to place the Spanish wines on the same footing; and not only the Spanish, but the Sicilian wines, as the King of Spain was also at that time King of the Two Sicilics; and to charge those of France, Germany, and all other places at a much higher rate, while English produce of all kinds enjoyed similar privileges in Spain. But now, according to my noble Friend's doctrine, we might reduce the duties on French and German, and all other wines, and refuse to do so on Spanish, but yet plead that we honourably fulfilled the Treaties by permitting Spaniards to bring wine from Bourdeaux or the Rhine to England at the reduced tariff, as their persons are to be protected from paying higher duties than the persons of other nations. And if Spain were now to follow the example we have set her, to adopt the arguments we are using, and henceforward to reduce the duties upon the salt fish of Sweden, the hardwares and cloths of Germany, the silks and cottons of France and Switzerland, as she will be perfectly justified in doing—and so far from blaming her (except as regards her own interests), I shall consider that she only acts with becoming spirit in thus applying our own principle to ourselves, and with perfect fairness reciprocating our policy;—I should like to know whether my noble Friend is prepared to tell British merchants, when they came to remonstrate against the Tariff of Spain, levelled as it would be against the productions of this country, that they had no *locus standi*, nor cause for complaint, as the subjects of Great Britain were in the full enjoyment of every advantage secured to them by the Treaty of Utrecht? I warn the people of Newfoundland, of Birmingham, of Sheffield and Manchester, to look to this; for they may rely upon it, the question is quite as much one of national interest as it is of national honour; and that the mere adoption of a modern form of words, such as those used in the Treaties with the United States and Venezuela, and referred to by my noble Friend, with respect to goods being the growth, produce, and manufacture of the respective countries, instead of the phraseology in use 150 years ago, but which has precisely the same meaning and intention, will not be sufficient to save us from the charge of deliberately violating our engagements, nor, on the other hand, of protecting us from the measures of retaliation which we shall deservedly bring upon ourselves. And having adverted to the United States, I would take leave to ask my noble Friend upon what principle he proceeded technically to apply to them the provisions of our Treaty, with reference to the Sugar Bill. The United States have only a right to be treated as the most favoured nation; and when they demanded that the sugar of Louisiana should be admitted on the same terms as those of Java, Manilla, and China, my noble Friend ought, if he adheres so rigidly to the letter and the technical meaning of Treaties, to have replied that we admitted the free-labour sugar of those countries, and were prepared to do the same for the United States, if they had any such commodity to send us. But my noble Friend at once acquiesced in the demand of the American Government, and we received the slave-grown sugar of Louisiana at the low duty. Now, may we not draw from this an inference that fear rather than justice guides our policy towards other nations, and that if the United States had been in the same powerless condition as Spain, we should not have received the slave-grown sugar of Louisiana; and that if we had been bound to Spain by vast commercial transactions, and by a territory only separated from our own by a nominal frontier, the Duke of Sotomayor might have found the Treaty of 1670 rather less stubborn and unbending than it has proved to him?

It was reserved, in short, for my noble Friend to prove, that, abroad as well as at home, we have one law for the rich and the powerful, and another for the poor and defenceless. My noble Friend must, however, bear in mind, when he draws such nice distinctions between persons and produce—distinctions that may be suited to the theological subtleties of the new Oxford school, but which should find no place in the arrangement of affairs of State—what are the words of the Treaty of 1670 upon which he lays so much stress. He must remember that they have relation only to the trade of the Colonies of the respective countries, but that they have no relation to the trade into the parent countries, carried on by the subjects of either, even though from the respective Colonies. If the Treaty of 1670 had been made last year, or last week, there is nothing in it to affect the present demand of the Spanish Government. True it is that we might not carry the fish of Newfoundland to Cuba, and that the sugar of Cuba could not be imported into Newfoundland; but there would be nothing to prevent the fish of Newfoundland from being sent to Spain, nor the sugar of Cuba to England, now that our old navigation laws have been altered: and at this moment there is nothing except the prohibitory duties imposed upon the sugars of Spain which prevents their being freely brought to this country, either in English or in Spanish ships. But these duties we have lowered in favour of other nations; and the Treaties provide that Spanish subjects shall be entitled to the same privilege as to all duties on their merchandise, as the subjects of the most favoured nations; and that if it shall happen in time to come, that any diminution of duties shall be granted by either side to any foreign nation, the subjects of each shall reciprocally and fully enjoy the same; and that they shall, in all lands and places, subject to the command of their respective Majesties, enjoy the same privileges as to duties which relate to wares and merchandise, as the most favoured nation uses and enjoys, or may use and enjoy for the future. We have granted the reduction of duties to other nations: the Spanish Government claims the same favour; and, I trust your Lordships will be of opinion, that their right to it is clear and unquestionable. Before I conclude, I must once more beg your Lordships to remember, that the Treaty of 1670, upon which my noble Friend mainly relies, is merely a stipulation between the two Powers, that their West Indian Colonies should be closed against each other, as they were against all other countries; or, in other words, it was a suspension, by mutual agreement, of those general rights to which the Colonies would otherwise, under the Treaties, have been entitled; and it is quite clear that the moment each party annulled the particular agreement, by which the general rights were held in suspension, those rights reverted to them by the Treaties. And as we ourselves chose to annul that particular agreement, not only for ourselves but for Spain—as the Spanish Decree of 1824 recognised our acts—as the Order in Council, of 1828, admitted the rights of Spain to Colonial privileges—and as the whole course of events for the last twenty years has entirely obliterated every trace and vestige of the limitation of 1670; yet the general Treaties subsisting in full force, it is clear that the Colonies are entitled to the general rights which had been restricted by the special agreement, just as if it had never existed. I have now, as briefly as I could, passed in review the arguments upon which the unfortunate determination of my noble Friend is founded: I know not whether I shall have induced your Lordships to take the same view of them as I do myself; but if not, I can only attribute it to my own want of ability, and not to any defect in the case which I have endeavoured to substantiate; for to my mind, it seems impossible to maintain those arguments, whether we read the Treaties in their strictest and most technical sense—whether we take them separately, or all in relation to each other; but of this, I am sure, that to strain those Treaties from their obvious and natural meaning, is unjust in itself and most impolitic on our part, at a moment when we are striving by every means in our power to liberalize the commercial policy of the world—when we are everywhere condemning differential duties, and the warfare of custom-houses—when we are endeavouring to establish relations favourable to ourselves by commercial Treaties with other nations, and to satisfy the daily increasing wants of our people, by finding fresh markets for their produce. God knows that in this we have obstacles and rivalries enough to contend against, without adding to them mistrust of our good faith, and the example of quibbles and special pleading, in order to support a law by which we propose to reform the social

system of other countries. I have already trespassed too long upon the time of the House, to permit of my now attempting to show how utterly futile and inoperative for its professed object the Sugar Bill of last year must prove; but in support of which, we are now entangled in this unfortunate controversy with Spain. The results that were predicted of that Bill have already taken place: we have raised the price and increased the exportation of slave-grown sugar, in order to supply the place of the free-labour sugar, which we withdraw from neutral markets, where it meets the slave-grown sugar on equal terms; and it must be of course immaterial to the planters of Cuba and Brazil whether we bring their sugar here for home consumption, or for re exportation to Holland and Germany, in exchange for that description of sugar which, under the Bill of last year, we are now compelled to consume. By that Bill we have set an example of exclusive dealing, which we shall have occasion sorely to repent. In Brazil it has already cost us the loss of one of our best marekts, and the withdrawal of all those special rights, political and commercial, which British subjects formerly enjoyed. We must now prepare ourselves for similar results, as regards Spain and her Colonies: that, however, will only affect our interests; but I greatly fear, that the example we are now about to give, of how the obligations of a Treaty may be evaded, will affect us irreparably in that—which is far more precious than all our commercial interests together—the honour and good faith of our country; and it is for the purpose of averting this great evil, as far as lies in the power of your Lordships, that I ask your concurrence in the Resolution which I have now the honour to propose:—

"That in reference not merely to existing Treaties between Great Britain and Spain, but to the Regulations under which, subsequent to those Treaties, Commercial Intercourse has for many years been carried on between Her Majesty's Subjects and the Spanish Colonies, this House is of Opinion, that the Subjects of the Queen of Spain should continue to be permitted to import into the United Kingdom all the Productions of the Territories or Possessions of the Spanish Crown, paying thereupon no higher Duties of Customs than are paid by the Subjects or Citizens of the most favoured Nations upon the Importation of like Articles, being the Productions of the Territories or Possessions of such Nations.

The Earl of *Aberdeen:* My Lords, my noble Friend has strongly impressed on the House the duty and the necessity of strictly adhering to the faith of our Treaties; he has shown the greatest anxiety lest the honour and good faith of this country should be tarnished by any deviation from its engagements. My Lords, in that respect I entirely agree with my noble Friend. No person can be more deeply sensible than I am of the great importance of scrupulously adhering to such views; and perhaps, in the situation I have the honour to hold, it may be peculiarly incumbent on me to be alive to the obligations of the principles which he has stated. But, my Lords, I suspect that had it not been for the general policy of the Government, as connected with the Sugar Question of last year, we should not have heard much of this Spanish claim; I think, if the claim had been put forward in any other matter, it would not have met with the same support on the part of my noble Friend. I don't wish, nor is this the time, to enter into a discussion of the wisdom and propriety of the policy adopted by Her Majesty's Government on the question of Sugar Duties last year. My noble Friend has already denounced that measure as unjust and impolitic. I believe, on the other hand, it was a just and wise measure, with a view to contribute to the repression of the African Slave Trade; that it was fully justified by such motives; and that its result has not been such as has been represented by my noble Friend. On the contrary, it has succeeded in bringing into this country a large and increasing supply of sugar of free growth; and that there is every prospect of that supply being continually augmented, while the price has been kept down as much as could possibly have been anticipated. My noble Friend, if I understood him, does not deny that the trade with the Spanish Colonies was, until a recent period, under the operation of certain Treaties, practically excluded. A contraband trade, no doubt, more or less, existed; but that the trade was prohibited my noble Friend does not deny. He argues, however, that when the restriction was removed, twenty years ago, under the same Treaties, the right accrued to Spain, as a most favoured nation, to enjoy all those advantages which we have granted to any other nation. Now, when he says these ancient Treaties have been always observed by Spain, and that he has appealed to them, and found that the Spanish Government have listened to his repre-

sentations, I must say I am astonished to hear such a statement; because, in the experience I have had, I have met with nothing but a rejection of the validity of these very ancient Treaties to which he refers, and a denial on the part of Spain that these Treaties were in force, or susceptible of the construction it is now ready to give them. Such has been the conduct of Spain throughout. In the first place, only let me recall to your Lordships' recollection the Family Compact—the Treaty concluded between France and Spain in 1671. Mark the observance that then took place of the Treaties with this country, which placed the two countries, as you say, on the footing of the most favoured nations. Observe the 24th and 25th Articles of the Family Compact. Here is the 24th Article:—

"The subjects of the high contracting parties shall be treated with respect to commerce and duties in each of the two kingdoms in Europe as the proper subjects of the country in which they live or resort to, so that the Spanish flag shall enjoy in France the same rights and prerogatives as the French flag; and in like manner the French flag shall be received with the same favour in Spain as the Spanish flag. The subjects of the two monarchs, in declaring their merchandise, shall pay the same duties which shall be paid by the natives. The importation shall be equally free to them as to the natural-born subjects; neither shall they pay any duty not paid by the natural-born subjects of the Sovereign; it being well understood that no other Foreign Power shall enjoy in Spain, any more than in France, any privilege more advantageous than that of the two nations."

Then, the 25th Article says:—

"If the high contracting parties shall hereafter conclude a Treaty of commerce with other Powers, and grant them, or have already granted them, in their courts or dominions, the treatment granted to the most favoured nation, notice shall be given to the said Powers that the treatment of Spaniards in France and in the Two Sicilies, and of the Neapolitans and Sicilians in France and in Spain, is excepted in that respect, and ought not to be quoted or cited as an example, their Most Christian and Catholic and Sicilian Majesties being unwilling that any other nation should partake of those privileges which they judge convenient for the reciprocal enjoyment of their several subjects."

Now, these are engagements entirely in violation of all the Treaties as interpreted by my noble Friend. And this Family Compact, recollect, was in existence; and, although not supported and readily acquiesced in by this country, it did receive an official recognition by the Parliament of this country; for the Seventh Article of Mr. Pitt's Commercial Treaty with France, in the year 1786, is as follows:—

"And it being the intention of the two high contracting parties, that their respective subjects should be, in the dominions of each other, upon a footing as advantageous as those of other European nations, they agree that, in case they shall hereafter grant any additional advantages in navigation or trade to any other European nation, they will reciprocally allow their said subjects to participate therein, without prejudice, however, to the advantages which they reserve, viz., France in favour of Spain, in consequence of the 24th Article of the Family Compact, signed the 10th of May, 1761; and England, according to what she has practised in conformity to, and in consequence of the Convention of 1703, between England and Portugal."

And, at the time, Mr. Fox bitterly reproached Mr. Pitt for having by this Article sanctioned the Family Compact, which had, to a certain degree, been so invalidated by succeeding Treaties. This country had, by this Treaty, recognised the right of France and Spain—for the conditions are reciprocal — we recognised the right of Spain to place France in a more favourable position than we enjoyed ourselves. So much for the observance of these Treaties by Spain in those days. But I maintain that it is to the course of practice by the two countries that we are to look for the true interpretation of these ancient Treaties. It is in vain to refer to the letter of these Treaties, many provisions of which are inconsistent and contradictory; but it is to the constant practice and conduct pursued in the execution of these Treaties by both parties that we are to look for their true interpretation. Now, my Lords, Spain has always resisted the obligation of these Treaties, even where it would appear their provisions were most clear and specific. For example, British merchants, by the very express terms of one of the Treaties—that of the year 1667—are exempted from certain contributions. The contributions are levied on them; we remonstrate; Spain says that these are old conditions—that the times are changed—that they no longer apply to a constitutional government, and that British subjects cannot expect to be better treated than Spanish subjects, notwithstanding the express provisions of the Treaty. They also maintain, that inasmuch as by one of the Treaties—that of 1783—it was stipulated that commercial

arrangements should be entered into between the two Powers on the basis of reciprocity and mutual convenience, that engagement is as much in force now as at any former time; but that as there is no reciprocity they are not bound by the provisions of the Treaties to which my noble Friend refers. And so throughout we are met with a denial of the validity of any of these existing Treaties; and to the extent to which my noble Friend would press interpretation of them, this country has adopted the same right of construing them as Spain had done;—such has been the case on various occasions. For instance, my noble Friend says, that Spain has the same claim to be treated in British ports as the subjects of the most favoured nation. Very well. We make a reciprocity Treaty with France—we admit French ships into British ports as English ships—would Spain think of making such a demand? According to the argument of my noble Friend, Spain would have a right to demand that Spanish ships should be admitted into British ports upon as favourable terms as French ships are admitted.

The Earl of *Clarendon:* On the same conditions.

The Earl of *Aberdeen:* No, it is not on the same conditions. Their claim is to stand on the footing of the most favoured nation, without reference to conditions. That is quite a different subject. But they make no such demand; and for a very good reason. Of course, they could not make such a demand, because they impose heavy discriminating duties on our shipping. But, nevertheless, if the argument of my noble Friend were sound, it would entitle Spanish ships to be received in English ports as favourably as French ships. That would, undoubtedly, be the consequence of his argument if it were sound. I think that this is decisive with respect to the large claim put forward by the Spanish Minister, and supported by my noble Friend. I would beg, however, to ask a question of my noble Friend, who, I believe, had some concern in the transaction to which I am about to refer; at all events, it is perfectly well known that Her Majesty's late Government had proceeded very far in negotiating a Commercial Treaty with France; that Commercial Treaty I myself took up and carried also nearly to the point of conclusion. Well, that Commercial Treaty stipulated for a very large reduction in the duty on French wines; but did my noble Friend, did the late Government, or did the present Government ever think that it inferred the necessity of reducing the duty on Spanish wines? Never for one moment. Therefore your Lordships see, that Treaty, which might have been signed, and would have been signed, had it not been for the unfortunate events of the year 1840, which meet us so frequently in our relations with France — that Treaty would have been concluded, the duty on French wines would have been greatly lowered, and the duty on Spanish wines would have been a matter of negotiation with Spain, whether it should be reduced or not. So far advanced was that Treaty, that the late Chancellor of the Exchequer announced in the House of Commons the loss he expected to the Revenue in consequence of the reduction of the duty on French wines from that Treaty. Still more recently a Treaty was under negotiation with Portugal; that Treaty arrived very nearly to completion; unfortunately, at last, circumstances rendered it impossible to conclude it, but it had advanced very nearly to the point of conclusion; a large reduction of duty on Portugal wines was stipulated in that Treaty; but was it ever imagined for a moment that that could necessarily infer a reduction in the duty on Spanish wines? Never. It is very probable that a Commercial Treaty would have been made with Spain; and I well recollect that the Spanish Minister of that day, a very excellent and enlightened person, used to come to me repeatedly, with the greatest anxiety, to know the progress of our Treaty with Portugal; because, he said, if we succeeded in concluding a Treaty with Portugal, he had no doubt we should compel Spain to enter into a Commercial Treaty with us, which he was most anxious to see effected. But it was only as the result of negotiation and a Commercial Treaty, that he looked to any such a result; he never imagined that because we reduced the duty on Portugal wines, therefore Spain would have a right to claim an equal reduction. Such a thought never entered into his imagination. My Lords, there are various other instances in which this country has acted thus in the interpretation of these Treaties, besides those to which I have adverted. My noble Friend relies on the Treaty of 1667 as giving the Spanish Minister (although he does not refer to it by name, yet it is embodied in the Treaty of Utrecht, word for word, and therefore forms part of it—my noble Friend relies on that Treaty of 1667 as placing Spain on the foot-

ing of the most favoured nation. Why, only twenty years after the conclusion of that Treaty of 1667, in the first year of the reign of James II., in 1686, when that Treaty must have been supposed to be at least as well understood, so shortly after its conclusion, as it can be now, the Parliament of that day imposed a duty of 8*l.* a tun on French wine, and 12*l.* per tun on Spanish and all other wines. Undoubtedly, this country acted in the full exercise of its discretion in the application of these respective duties. But, still later, until a very recent period, the duty on Spanish tobacco was 6*s.* per pound, while the duty on United States tobacco was only 4*s.*; and this continued till 1822, when a general equalization of the duties took place. I may just mention another proof, which applies to Spanish wines as compared with Portugal wines. From the time of the Methuen Treaty down to 1787, there was a duty of 1*l.* per tun on Spanish wine higher than levied on Portugal wine; and the duties on Spanish and Portugal wines were equalized in 1787, and continued equal to the present time, with the exception of the interval between the 5th of July, 1809, and the 1st of January, 1813, during which period an additional duty of 12*l.* per tun was levied on Spanish red wine, which was repealed by the 53rd George III. Therefore, there is no doubt we have repeatedly, constantly, and in every mode, exercised an entire discretion in the relative proportion of duties imposed on Spanish produce. My noble Friend says that still, after the Colonial trade was opened, we were bound to admit the produce of Spain on the footing of the most favoured nation; and my noble Friend has given a representation of the mode in which the condition for admitting England to trade with the Spanish Colonies, was exacted from the Spanish Government. I am not here to say anything about the liberality or generosity of imposing such a condition; at the same time, I must say, that after the great services rendered to Spain previously, I suppose it may have been considered a not very unreasonable return, to stipulate that if the Spanish Colonial trade were opened at all, this country should enjoy equal advantages with other nations; the truth of the matter being, that Spain, on more than one occasion, had offered to this country to admit England to exclusive privileges in the Colonial trade. More than once, in consideration of assistance rendered to Spain for the recovery of her revolted Colonies, and for other services, the Spanish Government proposed to admit this country to exclusive privileges in that trade; but these proposals were invariably declined; and all that was stipulated for and exacted, was to be admitted to an equal footing with other countries. But this engagement on the part of Spain, it must be observed, is unilateral. There is no corresponding engagement on our part. You may say that is ungenerous and illiberal; but such is the fact; and I do not see that in the circumstances in which we were placed in relation to Spain at that time, there was anything unreasonable in the demand, even although we did make it in reference to that concession. At the same time, we entered into a stipulation with Spain, which I hope they will also observe, although I have seen some indications of a design elsewhere to defeat it. By a separate Article of the Treaty of 1814, we did exact that the Family Compact should never be renewed, nor any Treaty resembling it. The engagement in 1814 was, that when the Spanish Colonial trade was opened, we should stand on the footing of the most favoured nation. In the year 1824, by a decree of the Spanish Government, the trade with the Spanish Colonies was nominally opened. It is perfectly true, as my noble Friend observed, that before this, England had, although not officially, in the last diplomatic form, yet practically, recognised the independence of the Spanish Colonies. Consuls had been appointed: the Spanish Government were informed that the formal recognition could not be long delayed; and then the Decree of 1824 was issued—but not in compliance with the Treaty of 1814—not at all. The Decree was issued when the Spanish Government thought proper; when they thought it would suit their own convenience or the necessity of the case; and when they had done so, as a matter of course, and in consequence of the stipulation, they were admitted to whatever was granted to others on that occasion. But I must say, that so little did it appear that any obligation was imposed upon Great Britain in consequence of this so-called concession, that until the year 1828, no return whatever was made by this country to the concessions so acquired in 1824; and even in the year 1828, when the Order in Council was issued, it did not confer on Spain the full privileges of Colonial trade, but was couched in terms much less favourable than were applied to several other nations. It merely sanctioned a trade between the Co-

lonies of Spain and the Colonial possessions of Great Britain. His noble Friend (the Earl of Clarendon) said that the Spanish Government did not remonstrate on that occasion, because they were ignorant of their rights. That is a strange reason to allege; it is not very likely to have been the case with Spain. As far as I have always seen, no country is more ready to make large pretensions than the Spanish Government. My noble Friend certainly may call this special pleading; but the question is the correct interpretation of the Treaty; and as this is a compact, of course it must be strictly examined and interpreted. I have shown you how the relations between the two countries have been understood, and the Treaties acted upon by both parties; and I, therefore, see nothing in the present relation of the two countries which can possibly justify Spain in claiming as a right the admission of her produce into British ports, which my noble Friend puts forth. My Lords, I will now say a few words on the last part of my noble Friend's speech, in which he treats with ineffable contempt the distinction which has been drawn between the rights granted to subjects of a State, and the manner in which the produce of that State is regarded. Now, in the first place, I must observe, that the Treaties with Spain to which my noble Friend has referred, and all the Treaties of that day, are framed on a very different basis from what exists at present. These Treaties stipulate in favour of personal privileges, and they have no reference to goods, except as connected with the persons possessing and dealing with those goods. By those Treaties, Spanish subjects were entitled to enjoy all the same privileges as the subjects of any other foreign country; whether in respect of their persons, their ships, or their goods; but with the produce apart from the ownership of it these Treaties have nothing to do. They have no reference to it. For instance, they say that any article whatever owned by a Spaniard, shall pay on coming into this country no more duty than the same article owned by a Frenchman; but they leave it entirely free to us to provide that the wine of Spain, for example, shall pay twice as much as the wine of France, if only it pays no more when in the hands of a Spaniard, than when in the hands of a Frenchman. The modern Treaties show that this distinction is real. Take the Turkish Treaty of 1838, which is one of the most recent. The Sublime Porte grants—

"All rights, privileges, and immunities which have been conferred on the subjects or ships of Great Britain by the existing Capitulations and Treaties, are confirmed now and for ever, except in as far as they may be specifically altered by the present Convention; and it is moreover expressly stipulated, that all rights, privileges, or immunities which the Sublime Porte now grants, or may hereafter grant, to the ships and subjects of any other Foreign Power, or which it may suffer the ships and subjects of any other Foreign Power to enjoy, shall be equally granted to, and exercised and enjoyed by, the subjects and ships of Great Britain."

And there are various passages to the same effect; and after all, there are additional Articles to the Treaty itself, in which it is provided that all articles being the growth, produce, or manufacture of the United Kingdom of Great Britain and Ireland and its dependencies, and all merchandise brought in British vessels, being the property of British subjects, shall be so admitted. So that there are some large concessions to subjects and their ships and goods; but they do not include produce without reference to ownership, and that is the reason why, in the Treaty with the United States, there is an Article giving large privileges to subjects and inhabitants of the countries, their ships and goods; yet the Second Article provides that the duties imposed in the ports of Britain in Europe on articles the growth and produce of the United States, shall not be higher than those imposed upon those of other countries, this Article being quite irrespective of the privileges granted to subjects. So with Venezuela: Venezuela at first claimed exemption on the ground of her sugar being free grown; and I hope that in a very short time it will be so; but, upon inquiry, our Government considered that it could not be strictly called free-grown sugar, and the demand of Venezuela was consequently refused. Venezuela then put forward a claim founded upon this particular Article of the Treaty, which provides that no higher duties shall be imposed upon the produce and manufactures of Venezuela, than was imposed upon those of the most favoured nations; and their claim was at once conceded; and, I think, if it was not so, it would lead to much confusion and to absurd consequences; because, on what is the claim of my noble Friend founded? It must be founded at least on the relation to the subjects of the King of Spain, who had this right; but this right, under the Treaties, applying to Spanish

subjects, has no reference to British subjects; because if Spanish subjects in Cuba were to have this right under the Treaty, it is clear that only Spanish subjects were intended to have it, and not British subjects. So that, suppose you admit, under the Treaty, my noble Friend's right of Spanish subjects, at the same time, under the operation of the same Treaty, you exclude the claim on the part of British subjects. Now, that is reducing it to an absurdity; it is impossible that it could be so intended. Therefore, it is clear, that the right was personal in its character, and did not apply to produce separate from ownership. I can only say that the subject has been carefully considered by Her Majesty's Government with reference to the tenor of the Treaties; and my noble Friend would fall into an error if he should suppose that this has been unadvisedly done, and that the Treaties have been newly discovered by us, and the effect and operation of them. As to the wisdom, or policy, or generosity, or liberality, of the proceeding, that is a matter which may be discussed if necessary, at another time; but, I must say, that according to the strict and authorized interpretation of Treaties, we have done nothing which is not just. I do not lay any claim to a liberal or a generous interpretation of the Treaties; but I say it is a justifiable interpretation with reference to the policy which Her Majesty's Government have adopted, and which has been sanctioned by this House and by Parliament. There is nothing in the interpretation of those Treaties which I do not think perfectly justifiable, and borne out by the letter of the Treaties themselves, and by the conduct of both parties for a long series of years; and this being the case, I do not think that we are at all liable to the imputation of my noble Friend, and I must oppose his Motion.

The Earl of *Radnor* said, that the course of the argument of the noble Earl was different from that which he had employed in his correspondence with the Duke of Sotomayor. With respect to the Treaties, according to the noble Earl's interpretation, the Treaty of 1667 had been set at nought nineteen or twenty years after; and yet he (Lord Radnor) found in the book which had been laid on the Table of the House by command of Her Majesty, that that Treaty had been renewed over and over again till 1783. What was the meaning of Treaties if they were to be held of no avail? It would be better to have no Treaty at all. He would ask any person of common sense who read the Treaty, whether on the face of it Spain was not to be entitled to all the advantages of the most favoured nation? He (Lord Radnor) read as a man of common sense, and he found that the Treaties of 1667 and 1713 had been revived up to 1786. But the noble Earl said—that was not his argument to-day—that the Treaty of 1670 overturned that of 1667. It did so in a particular point, and in that point only. But if their Lordships looked at the Treaty of 1670, it said nothing of the produce of the Spanish Colonies not being brought to the United Kingdom; and it was a curious fact, that in the book laid by Her Majesty's command before their Lordships, the Treaty of 1670 was given in part only, and those parts referred to by the Duke of Sotomayor did not appear. The Treaty said nothing of the produce of the Spanish West India Colonies not coming to the territories of the King of Great Britain; it prevented the sailing of vessels from the mother country to the Colonies, but it did not prevent the bringing of the produce of the Colonies to the mother country. With respect to the latter part of the noble Lord's argument, it justified what appeared to him a great injustice. Could any one of common sense believe that the Treaty did not intend, in speaking of subjects of a State, "their" produce and "their" trade? No man of common sense, in his opinion, in reading the Treaty, would not put a different interpretation from that put upon it by the noble Earl.

The Earl of *Clarendon*, in reply, said, his noble Friend (the Earl of Aberdeen) had stated that Spain had always denied the right which the Treaty gave us; but he (Lord Clarendon) could show the contrary, from his own personal experience. During the civil war, he had been in Spain, and he had, by means of the Treaty, prevented forced loans being exacted from British subjects resident in Spain. He had in his possession a very magnificent piece of plate which had been presented to him by the British merchants for preventing their being subjected to forced loans, solely on the ground of the Treaty. His noble Friend had said that the duties on Spanish wines had been increased at certain times; but these were the wines of places east of Malaga, in order to defray the expense of resisting the Algerian and Mediterranean pirates. He agreed with the noble Earl behind him, that there was a difference be-

tween the arguments used by his noble Friend to the Duke of Sotomayor, and in his speech to-night, which was somewhat in the *tu quoque* style—that the Treaty had been so often set at nought by Spain and by ourselves, that it was no matter how often it was violated. With respect to the fine distinction of his noble Friend about persons and produce, he appealed to their Lordships whether, although his noble Friend had said that the process of reasoning he employed had led his mind to the conclusion, they were not convinced, as he (Lord Clarendon) was, that the conclusion was not his own, by which he had adopted an opinion not very satisfactory in respect to the interpretation of the old Treaties, or to the spirit of the new ones.

Resolved in the *Negative.*

House adjourned.

HOUSE OF COMMONS.

Tuesday, July 15, 1845.

MINUTES.] BILLS. *Public.*—1°. Highways; Fees Criminal Courts); Real Property (No. 2); Stamp Duties, etc.

Reported.—Coal Trade (Port of London); Geological Survey; Church Building Acts Amendment; Unclaimed Stock and Dividends; Criminal Jurisdiction of Assistant Barristers (Ireland); Bail in Error; Lunatic Asylums (Ireland).

3°. and passed:—Borough and Watch Rates; Art Unions (No. 2).

Private.—2°. Darby Court (Westminster).

Reported.—Epping Railway (No. 2).

3°. Shrewsbury and Holyhead Road.

PETITIONS PRESENTED. By Mr. Pringle, from Presbyteries of Selkirk, and Forres, against the Universities (Scotland) Bill.—From Inhabitants of Burnley, for Inquiry into the Anatomy Act.—By Mr. T. Duncombe, from John Miller, late of Clerkenwell, but now of Brighton, against Lunatics' Bill.—By the Lord Advocate, from Alexander Bryce, Senior Magistrate of Canongate, in favour of Poor Law Amendment (Scotland) Bill.—By Mr. O. Morgan, from Inhabitants of Aberdare, residing near the Aberdare Iron Works, for exempting Iron Works from Operation of the Smoke Prohibition Bill.—By Mr. Pringle, from Presbytery of Lauder, in favour of Turnpike Roads (Scotland) Bill.

The House met at twelve o'clock.

LUNATICS.] House in Committee on the Lunatics Bill.

On Clause 3, relative to the appointment of the Commissioners,

Mr. *T. Duncombe* said, that this clause had better be postponed until they had got the returns from the Inspectors in Lunacy of the cost of visiting the several houses, and their state; but this was a part of the plan of keeping the House in the dark.

Lord *Ashley* said, that the only return not before the House was that of the amount paid to each Commissioner.

Sir *C. Napier* said, that before he received his half-pay he was obliged to make a declaration; and he did not see why these gentlemen should not be subjected to the same test before they received their salaries.

Mr. *Warburton* saw no use in the declaration.

Lord *Ashley* said, that the treasurer's accounts were a sufficient guarantee of the rectitude of the payments, and for the travelling expenses there was also sufficient evidence.

Mr. *T. Duncombe* said, that they ought to have paid Commissioners, responsible to the Government and the country, and not men who were part amateurs, and part professional, and who were responsible to nobody. Before they passed this clause, which made the Commission permanent, they ought to have evidence that the Commissioners had hitherto done their duty. He asserted that they had not. He thought they ought to see if they could not have a better Commission formed than at present existed. He would not press his Motion for the postponement of the clause, but would call upon the Chairman to read the clause at length.

Mr. *V. Smith* defended the conduct of the Commissioners generally, and especially with respect to the case of Mr. Percival.

Mr. *Christie* trusted the noble Lord would not only be induced to reconsider the present clause, but the effect of the Bill altogether. He was sorry that his hon. Friend the Member for Finsbury did not mean to press his Motion for postponing the clause.

Mr. *Wakley* felt convinced that the present Commission would never work well. He objected even to three Commissioners, believing that one Commissioner, who should be responsible to the Home Office for his actions, would do more good than three or even eleven Commissioners, of which the present Commission was composed. He thought that amateur Commissioners could never do that good for the public that one properly paid Commissioner could do. It had been asserted that insanity was a purely mental malady; now he asserted that in nine cases out of ten it arose from disease. There was no case of insanity without structural derangement. He trusted that

the noble Lord would reconsider the clause with reference to the Commissioners, as he thought it might be framed in a manner that would operate far more beneficially to the public.

Sir *C. Napier* hoped the noble Lord would reconsider the clause. He considered that an unpaid board was not so good as a paid one.

Lord *Ashley* denied that unpaid Commissioners were not so competent to perform their duties as paid ones. For himself, he would say that when he entered the Commission he did so with a determination to do his duty; and he considered himself as responsible for the performance of those duties as if he had been paid a hundred guineas a visit. As to the statement of the hon. Member for Finsbury, that one Commissioner would be sufficient, he asserted, without fear of contradiction, that it would be impossible for one individual to perform such onerous duties.

Mr. *Warburton* agreed with the hon. Member for Finsbury, that paid Commissioners were better than unpaid ones; but, at the same time, he thought there should be unpaid gentlemen connected with the Commission, who would represent persons of moderate fortunes who were afflicted with insanity.

Mr. *Hawes* preferred a mixed board to one constituted of paid or of unpaid Commissioners alone.

Sir *J. Graham* was anxious that the Commissioners named in the clause should be continued in the Commission.

The *Chairman* then proceeded to read the clause, when

Mr. *T. Duncombe* again objected to the appointment of any unpaid Commissioners. He could see no advantage in having one of the Commissioners in the House; it would not make the Board more responsible. He wished to see them responsible to the Lord Chancellor or the Secretary of State. He would beg leave to move the omission of the names of the amateur Commissioners. The hon. Member moved to omit all the words mentioning the unpaid Commissioner.

Mr. *Vernon Smith* defended the appointment of the unpaid Commissioners. His duties as a Commissioner were so onerous that he was sure that it would be difficult, if not impossible, to induce the same number of gentlemen to supply their place if they were now to resign those offices.

Sir *J. Graham* contended that the appointment of unpaid Commissioners was desirable, because they were generally men without any professional bias—men of the world, and under the control of public opinion.

Sir *R. Inglis* said, there would always be found men in this country willing to undertake any sort of duties, however invidious, merely for the sake of the public good. He was sure, therefore, that there would always be a sufficient number of amateurs to undertake the office of Commissioners of Lunacy.

Mr. *Duncombe* had no idea of degrading any of the Commissoners by calling them amateurs. He was sure that paid Commissioners would be found to discharge their duties better and more fully. The present Board had visited various lunatic asylums about three or four times during the last eighteen months, and then always at an hour when he was sure that everything was prepared for their reception. They ought to go when they were not expected. He would beg to ask how many asylums the noble Lord, or any member of the Board, had visited lately?

Lord *Ashley* bore testimony to the zeal and activity of the unpaid Commissioners. He himself had, during the last year, taken the chair at the meetings of the Board thirty-four times, and each time the Board had sat no less than four hours.

The Committee divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 45; Noes 6: Majority 39.

Clause again put.

Lord *Ashley* said, the appointments were all made without reference to any other feeling than that of completing the efficiency of the Board.

Mr. *Christie* protested against granting retiring pensions to individuals who had held the office of Commissioner, and while in that position had received very large salaries.

Mr. *Wakley* took the same view of the case, and contended, that after what the House had done last night, when it had openly declared that under no circumstances should relief be given to the able-bodied poor in Scotland, and that as soon as a poor man was deprived of employment, he was to support himself how he could, or starve along with his destitute family—after such a vote, to propose now large retiring pensions to men who had

long held large salaries was preposterous.

Mr. *T. Duncombe* wished to hear from Lord Ashley the age of Dr. Turner, and the period of his service as a Commissioner. He might have been appointed fourteen and a-half years ago, and he was now, in six months, under this new Act, to receive a pension of 750*l.* When Dr. Turner first entered upon that office, he had no expectation of receiving any pension at all.

Lord *Ashley* could not tell the hon. Member for Finsbury the age of Dr. Turner; he should, at a guess, say he was about sixty-five; but he (Dr. Turner) was very well able to fulfil the duties of his office.

Sir *J. Graham* would take upon himself all the responsibility of having recommended these appointments to the Lord Chancellor.

Mr. *Duncombe* wished to know whether any arrangement had been made between the noble Lord (Lord Ashley) and those parties who had been put in nomination for those offices?

Lord *Ashley* said, that he had entered into no arrangements whatever.

Mr. *Duncombe* did not object to the payment of 1,500*l.* a year to the medical members of the Board; but he was strongly opposed to a similar sum being given annually to the legal members, who would be amply remunerated by a salary of 1,000*l.* a year. Police magistrates received a salary of 1,000*l.* a year, and had, into the bargain, to submit to a deduction of five per cent. for the purpose of forming a superannuation fund. He would, therefore, move, as an Amendment, "That the medical members of the Board do receive a salary of 1,500*l.*, and the legal members 1,000*l.* a year."

Mr. *Hindley* thought that 1,000*l.* a year would be enough for either class of Commissioners, and he would submit an Amendment to that effect. If the noble Lord would put an advertisement in *The Times* for a person competent to judge of cases of insanity, and offer 1,000*l.* a year, he would have so many applications that he would find it difficult to make the selection.

Lord *Ashley* said, that the sum of 1,500*l.* a year was mentioned, that they might be enabled to select the most talented and efficient persons to fill the offices of Commissioners.

Mr. *Warburton* suggested the adoption of a sliding scale of salary according to seniority.

Mr. *Wakley* differed from his hon. Colleague (Mr. Duncombe) as to the propriety of awarding a higher salary to the medical, than to the legal Commissioners. Such an arrangement would, in his opinion, be decidedly unjust. He would recommend that barristers should be appointed after five years standing at the Bar, and not after ten years.

Sir *C. Napier* contended that 1,000*l.* a year was quite sufficient for the services of the Commissioners, as the Lords of the Admiralty or the Treasury had no more.

Mr. *Brotherton* would give his vote for the larger salary, because it would provide men of greater efficiency.

Mr. *Duncombe* moved, as an Amendment to leave out the words "five hundred," so that the salaries should all be reduced to 1,000*l.*

The Committee divided on the Question, that the words "five hundred" stand part of the clause:—Ayes 31; Noes 7: Majority 24.

The Committee again divided on the Question, that the clause stand part of the Bill:—Ayes 31; Noes 10: Majority 21.

Clause agreed to.

The House resumed. Committee to sit again.

SPANISH COLONIAL SUGAR.] Viscount *Palmerston* rose to bring forward the Motion of which he had given notice. He said: The subject I am about to bring under the notice of the House is one of much importance both to the honour and the interests of the kingdom. It is of importance to its honour, inasmuch as it relates to the question whether Treaties and engagements entered into by the Crown, have or have not been faithfully fulfilled; and it bears upon the interests of the country, because it raises the question, whether commercial privileges and advantages which were secured to this country by ancient Treaties have or have not been wantonly rejected, and heedlessly thrown away. The question arises in consequence of the correspondence between the Spanish Minister at this Court and the British Government, copies of which were recently laid on the Table by command of Her Majesty. That correspon-

dence relates to a claim made by the Government of Spain, that the sugars of Cuba and Porto Rico, the produce of slave labour, shall be admitted into this country at the same duties which are levied upon the sugars of other countries the produce of free labour, and upon the sugars of Venezuela and of the United States, the produce, like that of Cuba, of slave labour. This claim has been refused by Her Majesty's Government, and upon that refusal I think it necessary to make this Motion, because it is my opinion that the engagements of the Crown have not in this case been fulfilled; and being also of opinion that a great and unnecessary injury has been thereby done to the commercial interests of the country, I feel it my duty to ask the House, if it should concur with me in the views I have taken of this matter, to address the Crown, praying that a different course on this question may be pursued. Now, in order to bring the question in the clearest and most distinct manner under the attention of the House, I will shortly recapitulate the circumstances which have preceded and have led to this correspondence. It is fresh in the memory of everybody whom I have now the honour of addressing, that in 1841 Her Majesty's late Government thought it their duty to propose an alteration in the then existing scale of the Sugar Duties, believing that the change which they proposed to Parliament would tend to increase the Revenue—to give additional development to our commerce — and, by the increased supply, to reduce the price of what has become almost a necessary of life, and, consequently, to add to the comforts of the poorer classes of the people. The party then in opposition deemed that proposal of ours to be a fit occasion on which to make with us a trial of strength. They were confident in their increasing numbers in this House, and they believed that if they could raise a cry throughout the country in support of what they considered to be their majority in Parliament, they might succeed in driving us from power, and in occupying our places. Well, then, in order to raise this cry, they endeavoured to stigmatize our measure as calculated to give an additional encouragement to slavery and the Slave Trade. They said that, by opening a larger door for the admission of sugar produced by slave labour in the Colonies of foreign countries, we should raise the price of slave-labour sugar in the general market of the world, and that we should thereby give additional encouragement to the employment of slaves, and consequently to the Slave Trade. They succeeded in their attempt; we were defeated, and ultimately resigned our offices; and those who sat on the other side of the House succeeded to power. But they had not been long in power, before they came to the same conclusion at which we had arrived, namely, that a change in the Sugar Duties was expedient —that it would be for the interests of England to increase the quantity of sugar brought into this country for consumption by the people; and I am quite satisfied that if they had been free agents—if they had been fettered by no pledges either expressed or understood, towards those classes of men whom they had enlisted in their support in the battle they gave us on the Sugar Duties — if they had been embarrassed by no assertions made in debates as to the effect of a change of the Sugar Duties on slavery and the Slave Trade, I am convinced, in my own mind, judging from the very liberal free-trade doctrines which have lately been put forth by Members of the Government, whenever this question and other commercial matters have been discussed in this House—I am persuaded, I say, that if they had been entirely free agents, they would have proposed some measure very similar indeed in principle to that which we failed in recommending for the adoption of Parliament. But they were fettered by engagements—embarrassed by the doctrines they had laid down, and they were, therefore, obliged to tax their ingenuity to discover some measure which should, on the one hand, afford some relief to the consumer, by increasing the supply of foreign sugar; while, on the other hand, it should not too greatly alarm their West India supporters, and should not be too manifestly at variance with the principles they had laid down in objecting to the plan that we had proposed. They bethought themselves of a most notable expedient; they did not produce any measure which even pretended to have the effect of increasing the revenue, which ours would have done; but they proposed a measure which, while it should add a little to the supply of foreign sugar, should not add so much as to give just cause of alarm to the

West Indian monopolists, or much encouragement to slavery and the Slave Trade. Their plan was to admit at a very low duty foreign sugar the produce of free labour, and to place a very high, and practically a prohibitory, duty on sugar the produce of slave labour; and they seemed to think this measure would accomplish every object which they professed, as a Government, to have in view. They were told that their measure would fail; and that it was founded on erroneous principles — on a total mistake. They were told that it was ridiculous to suppose that if we took, say 40,000 or 50,000 tons of sugar annually out of the general market of the world, where hitherto it had been consumed, we should not raise the price of the sugar which remained in the market, just the same whether the sugar so taken out by us was produced by free labour or by slave labour, and that as the measure thus tended to increase the price of sugar in the general market of the world, it was open to just the same objection—(as far as that objection was good for anything)—which they had made to our measure, namely, that, *pro tanto*, it would afford encouragement to the additional employment of slave labour. They were told that it would be just as absurd to maintain the contrary, as to assert that by taking out water from one end of a pond, you would not lower the level of the water at the other end of the pond. They were told that their measure was founded on a childish absurdity, and that it could not be practically executed. They were told that slave sugar would be brought into consumption here under the character of free-labour sugar, and that all their regulations and certificates would utterly fail to enforce the distinction which they wished to establish, and to prevent the evasion of their law. But they were told, moreover, that their measure would inevitably break down from another cause, the effects of which could not be avoided. They were warned that there were Foreign Powers which had with this country Treaties of commerce, whereby the subjects of those Powers were entitled, in their commercial dealings with this country, to enjoy all the privileges with respect to goods and duties which we might grant to the most favoured nation; and that if the sugar of any country was to be admitted at a lower rate of duty on account of its being produced by free labour, those Treaties would compel us to admit the slave-labo r sugar of other countries on a footing equally advantageous. I remember pressing this point upon their consideration generally; and my right hon. Friend the late Chancellor of the Exchequer more especially brought it under their attention in reference to the Treaty between this country and Denmark. The point, however, was treated very lightly by hon. Gentlemen opposite; and I remember especially that one of them, answered what I had said with arguments and statements which seemed quite satisfactory to him, but which, as far as I could understand them—which I cannot say I was able to do very clearly, did not seem to me at all to meet the case. In spite of all these objections, they passed their measure. What followed? Soon after their measure was passed, the State of Venezuela, having a Treaty with us by which it was entitled to be placed on the footing of the most favoured nation in its trade with this country, demanded that the sugar of Venezuela should be admitted to consumption in this country on the same footing as the sugars of Manilla, Java, and other free-labour countries. The Government took that claim into consideration; they found, on looking into the Treaty, that the claim was irresistible; it was accordingly admitted, and the slave-labour sugar of Venezuela was placed on the same footing of advantage as the free-labour sugars of Java and Manilla. Next came the United States. The United States have a Treaty with us, by which they are entitled, in their commerce with England, to be placed on the footing of the most favoured nation. They claimed similar privileges for the admission of their sugars. That claim was taken into consideration. The Treaties were examined: the claim was found to be unanswerable; and the slave-labour sugars of the United States were admitted into the market of this country on the same footing with the sugars of Venezuela, Java, and Manilla. Here were two great holes made in the system of the Government.

> "Look! in this place ran Cassius' dagger through;
> See what a rent the envious Casca made."

But at that time the "well-beloved Brutus" had not "dealt his deadly stab;" but the well-beloved Brutus did not long delay his fatal blow; and speedily

after the concession to the United States, the well-beloved Brutus, in the person of General Narvaez, came with a demand that Spanish Colonial sugar, the slave-grown sugar of Cuba and Porto Rico, should be placed on the same footing, and should have the same advantages conceded to it in this country, as the sugar of the most favoured nations. This demand was made in a note from the Duke of Sotomayor, which cannot, I think, receive any sufficient and satisfactory answer. But some answer it was necessary to give; and as it would have been too ludicrous for the Government to have their whole measure torn to tatters, rag by rag, they determined to find some pretence or other for refusing this claim. Accordingly, not the Foreign Office—for I acquit the noble Lord at the head of the Foreign Office of having invented the note which was sent in reply: I differ from that noble Lord on most points of foreign policy, but I respect him individually too highly to believe that he could have invented the arguments contained in the note to which he has put his name; and I only regret that the over-easiness of disposition which I find fault with in his transactions with Foreign Powers, should have led him in this case to put his name to arguments which his better judgment must repudiate. Accordingly, I say, from Her Majesty's Government there came an answer rejecting the demand of the Duke de Sotomayor. I think that answer full of fallacies—I will not say palpable fallacies, because, that fallacies should be palpable, the arguments on which they rest should be plain and easy to be understood; whereas I defy any man to comprehend the drift, and scope, and meaning of the arguments in this note, without reading it over and over again three or four times with the utmost intensity of attention. I have myself done so, and having thus arrived at what I consider to be an understanding of the document, I am prepared to state that it is not only full of fallacies, but that it is a curious and remarkable illustration of what has been called by some legerdemain logic, which consists in this—that in the course of an argument one of the parties, arguing skilfully, slips in some new word, some new phrase or expression, nearly, to all outward appearance, resembling that from which the argument started, but which, nevertheless, differs from it in some point essential to the right solution of the original question; and, making this exchange while his adversary's attention is engaged by the chain of argument, founds his superstructure on the substituted expression, and comes thereby to a conclusion at which he could not possibly have arrived by means of the premises from which he set out. I shall be able, I think, to convince the House that this is strictly the character of the document of which I am speaking. First, let us look at the note of the Duke of Sotomayor. The Duke of Sotomayor demands that the sugars of Cuba and Porto Rico, though the produce of slave labour, shall be admitted into this country at the same duty as that paid by the sugar of the most favoured nation. He founds that demand on ancient Treaties, formally contracted between the two countries, and especially on the Treaties of 1667 and 1713. The terms of the Treaties to which he thus more particularly alludes, are certainly as strong as well can be; and though it is tedious to the House to hear documents of this kind read, yet I must ask permission to read those portions of the Treaties on which the Duke de Sotomayor founds his demand. It is essential to the case that I should do so. And, first, let me refer to the Treaty of 1667. The Thirty-eighth Article of that Treaty runs thus:—

"It is agreed and concluded, that the people and subjects of the King of Great Britain and of the King of Spain, shall have and enjoy in the respective lands, seas, ports, havens, roads, and territories of the one or the other, and in all places whatsoever, the same privileges, securities, liberties, and immunities, whether they concern their persons or trade, with all the beneficial clauses and circumstances which have been granted, or shall be hereafter granted, by either of the said Kings, to the Most Christian King, the States-General of the United Provinces, the Hanse Towns, or any other Kingdom or State whatsoever, in as full, ample, and beneficial a manner as if the same were particularly mentioned and inserted in his Treaty."

Thus far the Treaty of 1667. Next comes the Treaty of 1713, which the Duke relies upon in making out his claim. There were two Treaties with Spain in 1713, both signed at Utrecht, the first in July, and the second in December; and both of these distinctly sanction, beyond, as it seems to me, a possibility of doubt, the demand made by the Spanish Minister. The Ninth Article of the first of these Treaties is in these terms:—

"It is further agreed and concluded as a general rule, that all and singular the subjects of each kingdom shall, in all countries and places on both sides, have and enjoy at least the same privileges, liberties, and immunities as to all duties, impositions, or customs whatsoever, relating to persons, goods, and merchandises, ships, freight, seamen, navigation, and commerce, and shall have the like favour in all things as the subjects of France or any other foreign nation the most favoured have, possess, and enjoy, or at any time hereafter may have, possess, or enjoy."

By the Treaty of December following, the Treaty of peace, commerce, and alliance concluded with Spain is ratified and confirmed; and "for the greater strengthening and confirmation of the same," that Article was inserted word for word. But, as if that were not enough, the Second Article of the Treaty is in these words:—

"The subjects of their Majesties, trading respectively in the dominions of their said Majesties, shall not be bound to pay greater duties or other imposts whatsoever, for their imports or exports, than shall be exacted of, and paid by, the subjects of the most favoured nation; and if it shall happen in time to come that any diminution of duties, or other advantages, shall be granted by either side to any foreign nation, the subjects of each Crown shall reciprocally and fully enjoy the same. And as it has been agreed, as is above-mentioned, concerning the rates of duties, so it is ordained as a general rule between their Majesties, that all and every one of their subjects shall, in all lands and places subject to the command of their respective Majesties, use and enjoy at least the same privileges, liberties, and immunities, concerning all imposts or duties whatsoever, which relate to persons, wares, merchandise, ships, freighting, mariners, navigation, and commerce, and enjoy the same favour in all things (as well in the courts of justice as in all those things which relate to trade, or any other right whatsoever) as the most favoured nation uses and enjoys, or may use and enjoy for the future, as is explained more at large in the Thirty-eighth Article of the Treaty of 1667, which is specially inserted in the foregoing Article."

Now, I must own, that if I had been set to draw up Articles which were in the most full and comprehensive manner possible to secure to the subjects of two countries, in their trade with each other, the privileges and advantages of the most favoured nation, I should have been at a loss to have devised words more full and more comprehensive than those which I have quoted—more clear, more distinct, more unmistakable. Proceeding in his argument, the Duke anticipates two objections which might be offered by the Government of Great Britain. And, first, he foresees the possibility that some distinction might be set up between the Colonies of Spain and the mother country, and this possible distinction he meets thus:—

"You cannot make use of that objection, because you have admitted on the terms set forth the produce of our Colonies of the Philippine Islands, by exempting the sugars of those islands specifically from the high duties which are the object of the present application, and therefore it is not because Cuba is a Colony that you can resist my demand."

The other objection contemplated by the Duke is this:—

"You may, perhaps, tell us, that your recent laws make a distinction between sugar manufactured by slaves, and sugar the produce of free labour. But," replies the Duke, "on the part of my Government I deny that a difference in the mode of manufacture constitutes any valid ground on which you can take your stand in maintaining a difference of duty. The Treaty admits of no such difference on any such ground."

I think the Duke's reply to the anticipated objection quite unanswerable, while it is borne out by the practices of this country. The Duke says—

"You cannot set aside the provisions of long-established Treaties made by both countries by an enactment unilateral, made by one party without the consent of the other; you cannot thus establish a practice which is fatal to a claim founded on Treaties made by mutual consent."

But the practice of England itself affords an answer to the supposed argument thus met by the Duke; for I ask, have not we ourselves, over and over again, maintained the same principle as that asserted in the Duke's note? We have contended that the process by which an article is manufactured is not a just ground for making a distinction with respect to duties to be levied upon it. We have maintained this frequently. We have said that the perfection or imperfection of an article is a fair and just ground of making such a distinction; but that the particular process of manufacture was not. In 1816, for example, when the United States of America imposed a heavier duty upon bars and bolts of iron manufactured by the process of rolling, than that which was imposed upon bars and bolts manufactured by hammering, we instructed Sir Charles Bagot, then our Minister at Washington,

to object to that duty, and to say that bars and bolts of iron were, to all intents and purposes, like articles, whether hammered or rolled, and that they ought to be taxed in a like degree, and that the distinction which the United States sought to make was at variance with their Treaties with this country. The result of this representation was, that the United States did not persist in maintaining a heavier duty on iron bars and bolts which were rolled, than on those which were subjected to the process of hammering; and consequently, made the duties which were paid on the bars and bolts of iron manufactured in this country, the same as upon the same articles exported from Sweden and Russia. The argument by which the Government now defend their differential duty is, indeed, palpably erroneous. But if it were otherwise—if it were well founded, then I ask, why was it not used when the Government was regulating the Sugar Duties with the United States and Venezuela? Why did they not then say, that there ought to be a higher duty on sugar manufactured in one way, than on that which was manufactured in another way, but which was of the same quality? If there be any force in the argument, it ought to have been urged when the United States were pressing their claims; and the Government of this country should then have said that the slave-grown sugar of the United States was not a like commodity with the free-grown sugar of other countries, and, therefore, their claim must be rejected. The Government of this country did not, however, at that period, treat the subject in so off-hand a manner as they do now with respect to Spain; and accordingly they admitted sugar which was the produce of slave labour, as a like article to that which, being of the same quality, was the produce of free labour. This decision, in reference to the sugar of the United States and Venezuela, has been urged on the part of Spain. She has quoted the Treaties that we formerly made with her—and of which I have read extracts, and she has demanded that her sugar should be admitted on the same favourable terms as the sugar of other countries. Then comes the answer of the Government; and, in adverting to it, I must admit that they are placed in a very embarrassing situation; for it cannot be denied that if they are to admit the claim of Spain, and allow her sugar to come in upon the same terms as the sugar of the United States, their doctrines and distinctions would be blown to shivers, and there would be an end of their vaunted measure with respect to sugar and the Slave Trade. The only peg would be gone upon which they can hang the last remnant of their political consistency: they would then be, perhaps, exposed to a little laughter—to a joke—or a taunt across the Table—to a newspaper skit—to a taunt on the hustings—things painful enough, I admit, to the feelings of public men, but which ought not for a moment to stand in the way when the honour or the interest of the country is concerned. To such things they must submit, rather than sacrifice the character of the country. These are my views of the course which they ought to have taken; and I do not hesitate to say, that if I were in their place it would be the course which I should take. There is a point, however, beyond which the most elastic vapour cannot be condensed, and there is also a point beyond which even this Government cannot go in concession. They said, "We have been foiled by Venezuela and by the United States, but we must take our stand on the case of Spain, and refuse her the rights we have acknowledged to belong to the others." They accordingly gave an answer and a refusal; and who they called to their aid on that occasion Heaven only knows! but I do not envy them their adviser. I admit, however, that there was some ingenuity in their answer, as I shall presently show. The first point on which that answer was founded was an admission of the full effect, in commercial matters, of the Treaties of 1667 and 1713 (which they dispute in a subsequent part of their statement, apparently for the sake of argument), and an admission of the full effect which Spain claimed for the Treaties of 1667 and 1713; but they follow up that admission by a statement that a Treaty between this country and Spain, which was made in 1670—a Treaty intermediate between those of 1667 and 1713, and confirmed by subsequent Treaties, even by that of 1814—prevented the application of the two Treaties of which Spain claims the fulfilment; and in the manner in which this portion of the question is treated in their answer, we have a very ingenious instance of that species of legerdemain in argument which I have already described.

They state that the Treaties of 1667 and 1713 do not apply to the West India trade. Here is a convenient generality of expression, which conceals from the eyes of the observer the inapplicability of the Treaty of 1670 to the question; and this affords another instance to show how parties can in such arguments arrive, by making changes in succession of terms, at a higher point of assertion than that with which they began. They first say that the Treaty of 1670 "excepts" the West India Colonies of both countries from the privileges which are secured by the Treaty of 1667 for the mother countries—Spain and Great Britain. They then go further in their assertion as they proceed, and say, the Treaty (1670) "expressly excludes" the West India Colonies; and lower down they go further still, and say, that the Treaty (1670) contains a "special exclusion" of the West India Colonies of both countries. Now, I say, that this is an entirely false assertion, and wholly at variance with the intention and the words of the Treaty of 1670. What is the claim of Spain? Spain claims that Spanish subjects residing in Cuba may be allowed to bring their sugars into the United Kingdom, and that those sugars may be admitted at as low a rate of duty as the sugars of the most favoured nation. Is there a single word in the Treaty of 1670, on which the answer which has been given to Spain so strongly relies, which goes to prevent Spain from enjoying that advantage which she claims from this country? [Mr. *Gladstone*: Read the 8th Article of the Treaty.] I am going to read it, but before I do so I will ask, is that Treaty of 1670 a Commercial Treaty? No such thing. It is a Political Treaty, entered into for the purpose of putting an end to the hostilities which then prevailed between the Colonies of Spain and Great Britain in the West Indies and America, whilst the mother countries were at peace. What was the title of the Treaty. Was it—

"a Treaty between the kingdom of Spain and Great Britain, for the purpose of excluding the Colonies of the two countries from the commercial advantages which were secured to the Mother Countries under the Treaty of 1667?"

No such thing. The Treaty recites the depredations which had taken place in the West Indies and America, and it proceeds to establish peace in America between the two nations. What is the preamble of the Treaty? Let me remark, that preambles to Treaties explain, in a great measure, the intention and object of the Treaties; and therefore, if the object of the Treaty was that which the Government, in their answer to Spain, imply, its preamble ought to be: "That whereas, according to the Treaty of 1667, between Spain and Great Britain, each nation was to give to the other the privileges of the most favoured nation, and whereas it has become necessary to exclude the West Indian and American possessions of both countries from these benefits, be it declared so and so." But what is the preamble? The preamble sets forth that—

"Inasmuch as the good feeling between Great Britain and Spain had been interrupted in America, this Treaty was intended to re-establish the good understanding which before existed between Spain and Great Britain," &c.

The First Article in the Treaty confirms the Treaty of 1667, so far as it does not conflict with the Articles of the Treaty of 1670; and then we come to the Second Article, which is of considerable importance, it is to this effect:—

"That there shall be a universal peace, true and sincere amity in America, as in the other parts of the world, between the Most Serene Kings of Great Britain and Spain, their heirs and successors, and between the kingdoms, states, plantations, colonies, forts, cities, islands, and dominions, without any distinction of place, belonging unto either of them; and between the people and inhabitants, under their respective obedience, which shall endure from this day for ever, and be observed inviolably, as well by land as by sea and fresh waters, so as to promote each the welfare and advantage of the other, and favour and assist one another with mutual love; and that everywhere, as well in those remoter countries as in those that are nearer, the faithful offices of good neighbourhood and friendship may be exercised and increased between them."

This Article shows that the object of the Treaty was the termination of hostilities, and not restrictions of commerce. Then comes the Eighth Article, on which the Government so much rely, and it declares that—

"The subjects and inhabitants, captains, masters of ships, mariners of the kingdoms, provinces, and dominions of each confederate respectively, shall abstain and forbear to sail and trade in the ports and havens which have fortifications, castles, magazines or warehouses, and in all other places whatsoever,

possessed by the other party in the West Indies; to wit, natives of Great Britain shall not sail unto, and trade in, the havens and places which the Catholic King holdeth in the said Indies; nor in like manner shall the subjects of the King of Spain sail unto, or trade in, those places which are possessed there by the King of Great Britain."

What does that Article mean? It means plainly this, and only this, that British subjects were not to traffic and navigate to the Colonial possessions of Spain, and that, in like manner, Spanish subjects were not to traffic with or navigate to the Colonial possessions of Great Britain; but there is not a word in any of these Articles which says that the inhabitants of the Colonial possessions of Spain may not navigate to the ports of the United Kingdom, or that the inhabitants of the Colonial possessions of Great Britain may not navigate to the ports of Spain, without obstacle. There is not a word in that Treaty which goes to prevent the inhabitants of the Colonial possessions of either country from sailing or navigating to the European territory of the other; and so clearly was this understood on both sides, that for a long time there has been an extensive and direct trade with Spain in fish and other articles, from our Colonies in North America. There is nothing in the Treaty of 1670 which, if it were now in full force, would militate against the demands of Spain—those demands being, not that British subjects should trade to the Colonies of Spain, but that the Colonies of Spain should be permitted to trade with the United Kingdom. It has been contended, forsooth, as a proof of the restrictive effect of the Treaty, that this traffic has not existed. True; but why? Was it prevented by the Treaty of 1670? No, the navigation of inhabitants of the Spanish Colonists to this country was not prevented by that Treaty. It was prevented by our own navigation laws, and by the Colonial laws of Spain—it was prevented by laws of the two countries which were not founded on commercial doctrines, but on other principles—laws, the object of which, on our side, was to preserve a nursery for British seamen; and, on the part of Spain, by political jealousies and other causes; but the Treaty of 1670 did not, and could not, prevent, if it were now in force, the inhabitants of Spanish Colonial possessions from trading to the United Kingdom. I admit, at once, that if our old navigation law were still in force, that might be given as an answer to Spain, if she demanded what she could not demand under the Treaty of 1670—if she demanded to send the produce in question from Spanish ports to the ports of the United Kingdom. ["No, no."] Then, I am to understand that, if she demanded to send her Colonial sugars from Corunna and Bilbao, she might import them hither. [Mr. *Gladstone:* She could not make such a claim.] That is the ground upon which I base this argument. I say, that if Spain claimed that right, the answer to which I have adverted, founded on our navigation laws, might be given to her. But it is contended by the Government, that the Treaty of 1670 prevented any traffic from the West Indian possessions of Spain to Great Britain; and I say, that it is impossible the Treaty could have any such interpretation. But even if there were anything in the Treaty of 1670 to prevent such a traffic, is that Treaty still in force? I say it is not, for this reason, namely, that the two parties reserved to themselves the right to make any change which they might feel necessary with respect to the commercial interests of both countries; and there was a short Treaty made in 1809, or, I believe, in 1810, establishing peace between the two countries of Spain and England, to which Treaty there was an additional Article, stating that if a greater latitude of commercial freedom were, after that Treaty to be given by Spain to any foreign country, the same latitude should be extended to England. What did the King of Spain do in 1822? In 1822, he issued a Decree on the subject of the commerce of foreign countries with his American dominions, and the First Article of that Decree stated—

"A direct commerce shall be maintained in my American dominions with the subjects of countries who are the friends of Spain, and they shall be admitted to trade there in the same manner as in the ports of Spain."

Now, from that time the Treaty of 1670 was annulled, so far as this Decree places the trade of foreign nations with the Colonies of Spain on the same footing as in Spain itself. Then we issued the Orders in Council, which have been so much discussed in the Government note; and here I do not profess to understand the argument of the Government, but it either says this, that the Order in Council of 1828 did not give Spain, in regard to

the trade with our West Indian Colonies, all that Spain had given us with regard to her American Colonies—that is one interpretation; and if the Government adhere to that interpretation, then I say, their argument is no argument against the claim of Spain; for the footing of the most favoured nation is not the footing of reciprocity between contracting parties. Those two conditions of intercourse are quite different things; and Spain claims, in this case, the footing of the most favoured nation, and not the footing of reciprocity. But, secondly, the Government argument may mean that the Order in Council did not give all the advantages to Spain that we gave to any other country. That is the other interpretation; and that, I think, is not a well-founded asssertion, because I am not aware that we had given to any other countries more than we gave to Spain; but I take the argument of the Government to be, that because Spain has acquiesced in being placed, by that Order in Council, in a less advantageous position than some other countries, she is, therefore, bound by her own acquiescence, and cannot now demand the footing of the most favoured nation. But this is an argument which cannot be maintained; for there have often been circumstances in which nations have submitted to put up with a less advantageous state of things than they were strictly entitled to insist upon, owing to temporary causes; but that cannot divest them of their rights, according to the faith that prevails among nations. It may happen that a Government, by inadvertence, may for a time submit to receive less advantage from a Treaty than she ought to get, but that inadvertence could not be considered as permanently binding; and if afterwards she took advantage of the Treaty, and, for the maintenance of her rights, claimed a more favourable construction of the Treaty, it would not be just to bind her by an occasional acquiescence in the less favourable construction, in order to deprive her of the advantage to which she might, by the true letter of the Treaty, be entitled. If any British Government, for instance, in the weakness of the moment, had foregone rights to which this country was entitled with relation to a foreign country, Parliament would not listen for an instant to the suggestion that we were to be deprived of our Treaty rights by that temporary acquiescence. Then I say, that the argument founded on the assumed acquiescence of Spain in our Order of Council utterly fails. I have already shown that the argument founded on the assumption that the Treaty of 1670 deprived the West Indian possessions of Spain of the advantages which Spain claims for them under the Treaties of 1667 and 1713, is totally at variance with the object and terms of that Treaty. It did not exclude the Colonies of Spain or England from trading to the mother country of the other coneracting party; it deprived England of the advantage of trading in her own vessels to the Spanish Colonies directly, and Spain of the advantage of trading directly to the British Colonies in her own vessels; but it did not prevent the inhabitants of the Colonies from trading directly to the mother country on either side. That is the answer to the first objection put forward by the Government; and I now come to another example of the dexterous substitution of one word for another in the course of the argument. By the Treaty of 1814, an engagement was entered into that bound the King of Spain to prevent his subjects from carrying on the Slave Trade, except for the purpose of supplying slaves to be employed in his own Colonies; and by the same Treaty the King of Great Britain was bound to take the most effectual measures to prevent his subjects from supplying arms, ammunition, or warlike stores to the revolted subjects of Spain in America; and in reference to that Treaty the note of our Government says, that—

"The engagement in the Treaty of 1814 was concluded in the expectation that the troubles and disturbances which then prevailed in the Spanish-American provinces would cease, and that the subjects of those provinces would return to their allegiance to the lawful Sovereign;"

and the note says that His Britannic Majesty engaged, under that expectation, to take

—"the most effectual measures for preventing his subjects from furnishing arms, ammunition, or any other warlike article, to the revolted States in America."

Now, it is right, when words are quoted, that they should be quoted correctly; and therefore I must state that there is no such word as "expectation" mentioned, on the part of His Britannic Majesty, in 1814, with respect to the termi-

nation of the disturbances in Spanish America. The Treaty states that His Britannic Majesty was "anxious" that the subjects of the King of Spain should return to their allegiance; but there was no expression of expectation that such a result would take place. It is a very different thing to say that His Britannic Majesty was "anxious" that the subjects of the King of Spain in South America should return to their allegiance, and to say that he "expected" that result. The distinction is very important; for the word "expectation" would lead to the idea that Spain had taken us in by holding out to us at that time the expectation that she could keep all her Colonial possessions, whereas, in fact, she had been able only to keep Cuba. I deny, then, that the Treaty of 1670 is a bar to the claim of Spain; and I now come to the argument which the Government applies to the Treaties of 1667 and 1713, namely, that they give the advantage claimed by Spain for the produce of her West Indian possessions, to "persons" only, and do not confer them on Spain as regards her "productions." This argument has been the subject of much animadversion; and every man with whom I have talked upon the subject, has expressed his astonishment that an argument so like the shift of a pettifogging village attorney should have been introduced into an official document of the British Government. But the first argument founded on the Treaty of 1670 was so weak that it was indefensible; and, therefore, the Government was obliged to seek another argument on which they might rest their case; and as their first argument was rotten and unsound, this pettifogging quibble, about "persons," and "productions," was really essential to their case; and from the off-hand way in which it is played off, people not accustomed to consider the meaning of the language of Treaties, might think there was something in it. Why, certainly, the word "productions" is not to be found in the Treaties of 1667 and 1713; but will any man of candour and plain sense read the Articles of those Treaties, and say their meaning is not perfectly clear and palpable? The Treaties give to each of the two countries the advantages which are to be given to the most favoured nation in matters of trade and commerce, in regard to duties, wares, commodities, and all other things; and I ask any man to read those words, and say, if in plain and honest dealing between nation and nation, between man and man, there exists the least ground for the assertion, that not productions, but persons only, are meant to be included in the advantages agreed to be given by each nation to the other. What is the construction which the Government put upon these words? They say that Spain has Treaties with this country by which we agreed that she should not pay higher duties on her imports into this country than those which shall be paid by the most favoured nation, but that those Treaties do not state what imports we were to permit Spain so to send. That argument reminds me of what happened to a friend of mine at an election. He canvassed an elector, and the man promised him his vote, but when the day of election came, the elector voted against him. He was astonished at this conduct, and he said to the man—"You voted against me." "Yes, I did," said the elector. "But you promised that you would vote for me." "Yes," answered the elector, "I did; but I did not say when." That is the argument which the Government use towards Spain. They admit that, according to Treaties, Spain has a right to claim that her imports into this country should be placed in regard to duty on the same footing as the imports of the most favoured nation; but, say they, the Treaties do not specify what those imports are to consist of, and therefore the right is to be of no use to Spain. They say that the Treaties do not specify the productions of Spain. Do they, then, mean to say that it applies to the produce of other countries to be imported by Spain into this country? Their language, then, to Spain is, "Your Treaties entitle you to pay upon your imports those duties only which are paid by the most favoured nation on their imports; but your Treaties do not say what your imports are to be. We are at liberty to decide that, and we therefore tell you that you may import the sugars of Venezuela and of the United States on the same terms on which those nations import their own sugar; but there is nothing in your bond which enables you to import your own sugar on those terms." Such an argument is a disgrace to us, and a mockery of the meaning of those Treaties. When Spain says she is entitled to the same favours as other nations, the answer is, that we did not give these advantages to the United States as a favour, but as a right. That answer cannot be sufficient, for we promised the same rights as the most favoured nation in all

things whatever regarding duties, wares, merchandises; and yet, in the face of all this, in defiance of words which are as plain as language can be, you turn round and say that the terms apply to persons, and not to productions. I think I have shown that the answer which was given by the Government to this demand on the part of the Government of Spain, is at variance with the plain and simple meaning which any man of common sense would attach to the terms of the Treaty; and if I am told that this matter has been referred to the Crown lawyers, I say that their opinion upon such a question is not of greater value than the opinion of any other man. It is not a question of law, but a question of honesty. It does not turn on the equivocal construction of a point of law, or on the value of a precedent—it turns on the ordinary meaning of the plain words in which the Treaties are framed. We are, however, to understand from the answer of the Government to Spain, that the Treaties between Spain and England, in virtue of which Spain claims those rights, apply to persons and not to productions; and that it would be consistent with those Treaties to impose heavier duties on sugar which was a Spanish production, than on sugar which was the produce of other countries. It is contended that, under the Treaties with Spain, we are entitled to impose heavier duties on produce imported from the possessions of Spain, than upon the like articles the produce of other countries. Does the Government and does this House see the full bearing of that interpretation? The Spanish Government, in a note to this Government, demands at our hands the proper fulfilment of our engagement, that neither country will tax the imports of the other any higher than the imports of the most favoured nation. We reject that claim. We say that each party is at liberty, under the Treaties of 1667 and 1713, to impose what duties it pleases on the imports of the other. If that doctrine had been laid down by Spain, and we had been unable to gainsay it according to the fair construction of Treaties, the Spanish Government might have inflicted a great injury on our commerce; but, as it was the result of a Treaty, we should have been bound to submit to it. But that this Government, which affects to be so favourable to commerce, should, of its own accord, put forward such a doctrine, is strange indeed. That it should come from those who were always attacking me in my office for not being sufficiently attentive to and watchful of the interests of British commerce—that they should deliberately force upon Spain a construction so pregnant with evil to British commerce on these Treaties, is indeed a matter of astonishment. You have by this doctrine untied the hands of Spain. You have torn to pieces the Treaties of 1667, and of 1713. Is there no danger in that? Why, Sir, these very Papers, which have been delivered to us only at three o'clock in the afternoon of this day, and which one has scarcely had time to read through, shows that there is a question now pending between this country and Spain, arising from an attempt on the part of Spain to levy heavier duties on the commerce of Great Britain than on that of other nations; that she has attempted to levy a heavier duty on the linens of Great Britain than on the linens of Belgium, and on our ships than on the ships of France. I lay my life, that if the Government interpretation of these Treaties stands good, we shall have the influence of other countries exerted in Spain to put our trade under ban as far as they can exert it; and we shall lose our trade with Spain, as we are now losing it with Brazil, in consequence of the absurd tariff and mischievous policy of our Government. There has always been much difficulty in our commercial relations with Spain. There has been a constant struggle going on there between English commerce and the commerce of France and of other countries. But we have always stood upon our right to equality, and that was our security. Already do we labour under disadvantages with regard to Spain, incident to our geographical position; for, from the numerous prohibitions which enter into the commercial policy of Spain, smuggling is carried on to a large extent, and the nations nearest to Spain are the best able to smuggle across her frontier. In addition to this, we shall now have prohibitions placed upon our goods, whilst lower duties will be put upon the goods of other countries. Whatever may be the value of the trade of Spain—and I hold it to be extremely valuable, and susceptible of a great increase under a good understanding between the two countries—whatever may be the value of that trade, it may be

truly affirmed that, as far as our interpretation of diplomatic engagement goes, we have materially crippled, if not destroyed it. My objection to the course which the Government has thought fit to pursue, rests upon these considerations. We have broken faith with Spain, and broken faith, too, without even that poor but too common excuse, which may sometimes be pleaded with effect in popular assemblies, namely, that it was the interest of the country to do so. We have broken faith for the mere pleasure of so doing. We have, besides, set an example which will assuredly be productive of evil to us, even beyond our relations with Spain. Hitherto, England has preached to all other countries freedom of commerce and equality of privilege. "All we want," we have said, "is a fair stage and no favour. Put us on only a footing of equality. We ask for no peculiar privileges; all we require is, that you will not distinguish between us and others to our disadvantage; and that you will put us on the footing of the most favoured nation." Here we are now actually rejecting the footing of the most favoured nation; and with what face can we now go to any other country which puts us on a footing of inferiority, and propose to them that they should, with reference to us, pursue a course the very reverse of that which we ourselves have followed? The right hon. Baronet (Sir R. Peel) stated, I think, a short time after he came into office, that the great motive which animated himself and his Colleagues in going through the labours they had to perform, was the hope of posthumous fame. Posthumous fame they will assuredly have; but it will not be the fame of the early Cæsars, who carried to the confines of the habitable portion of the globe the arms, and arts, and civilization of the Roman empire—but the less enviable fame of their degenerate successors, under whose feeble and impotent sway the god Terminus was driven back, step by step, till he took refuge under the walls of the imperial city. They might have secured to themselves the honourable fame of having extended the comforts and increased the prosperity of the people whom they have been appointed to govern. But what have they been doing during the four years they have been in office? Why, they have been busily employed in sacrificing more great national interests than, I think, it has ever yet fallen to the lot of any Government to abandon during an equal period of the administration of the affairs of this country. They began by sacrificing the territorial rights of the country in North America. They surrendered, in that quarter of the world, territories, our right to which had been successfully maintained in argument by all former Governments, and which had, I venture to say, been practically proved by their immediate predecessors, by a survey of the country itself. By this sacrifice they commenced their career of inglorious and mischievous concession; and they made it upon impressions utterly unfounded, and impelled by fears utterly unworthy of a British Government. They have sacrificed the commercial interests of the country in the Brazilian trade, in the Spanish trade, and, I fear, also in other quarters about to follow, and all for the purpose of maintaining a favourite crotchet, based upon hypocritical pretences. They have sacrificed, too, that mutual Right of Search with France, for the suppression of the Slave Trade, which former Governments had laboured in vain to accomplish; and which had at last been obtained by their immediate predecessors as the best reward and acknowledgment which England asked for services of some value, which she had been able to render to France. They have sacrificed that natural right merely to give to a Ministry in France a temporary prop, which is no longer wanted; and it was a right which they might so well have maintained, for it was not liable to the invidious imputation, that it was a pretence for securing any advantage, military or commercial, to this country. There was no interest but the interest of humanity, which led us to attach the slightest value to that right. That right is now surrendered; and the interests of humanity, the dictates of justice, the laws of God, and the duties of man, have been forgotten, because it was convenient to the British Government, and to the French Ministry. But the Government has reserved for the last a sacrifice of interests purely English; and on the present occasion they have sacrificed the good name, the faith, and character of this country—that good name, that faith, and that character which had

hitherto outlived all the storms through which England has had to pass, and all the difficulties which she has had to encounter; for whether her arms were defeated or triumphant—whether her diplomatists, at the termination of hostilities, were, as some have alleged, in the habit of losing by the pen what had previously been gained by the sword—or whether they were successful in maintaining the advantages which had been acquired in war, the good faith and high honour of England have never before been justly called in question. I remember that Mr. Wilberforce, in discussing our relations with Foreign Powers, stated that the reason why, in his opinion, we did not come successfully out of our negotiations with them was this, that we were too honest to deal with the Governments of the Continent. If Mr. Wilberforce had lived until this day, he would, in the first place, have retracted the imputation which that saying cast upon the Governments of Europe; but if he had read this note, he would most assuredly have looked for some other reason than that assigned by him to account for any disadvantage under which we might labour in our diplomatic intercourse with foreign Governments. In this instance, the Government have given a bad reason for a bad course. They have broken those Treaties, and the relations consequent thereupon, which it was the country's interest and their own duty to have maintained. They have set an example which, if followed up by other countries, will be productive of incalculable injury to England. They have given up the securities which, for nearly two centuries, the trade and commerce of this country enjoyed in its relations with Spain; and they have done this for no purpose on earth except to afford to the Government a hollow pretence for maintaining a distinction founded on no intelligible ground, not even successful for the purpose for which it was established. They would have done far better if they had abandoned this distinction, even though they by so doing might have exposed themselves to temporary difficulties; because, by giving it up, they would have maintained the good faith of the country, and have upheld its commercial interests; and whatever might have been the sneers to which, for a moment, they might have been exposed, the satisfaction of their own consciences, and the approbation of the country, would have been their sufficient reward. Thinking, then, that the answer given to the demand of the Spanish Minister, and that the decision come to by the Government, are not founded on the true interpretation of the Treaties which bear upon the question, and being of opinion that the course which the Government have taken, is one which is highly detrimental to the commercial interests of this country, I call upon the House to concur with me in addressing the Crown to take, in this matter, an opposite and a different course. The noble Lord concluded by submitting the following Motion:—

"That an humble Address be presented to Her Majesty, stating that this House have taken into their consideration the Papers which, by Her Majesty's gracious Command, have lately been laid before them, containing Copies of a Correspondence which has recently taken place between the Spanish Minister at Her Majesty's Court and Her Majesty's Secretary of State for Foreign Affairs, on the subject of a claim made by the Spanish Government, in virtue of the Treaties subsisting between the Crowns of Great Britain and of Spain; and praying Her Majesty to direct that the subjects of the Queen of Spain should be permitted to import into the United Kingdom all the productions of the Territories or Possessions of the Spanish Crown, paying thereupon no higher Duties of Customs than are paid by the subjects or citizens of the most favoured Nations, on the importation of like articles being the production of the Territories or Possessions of such Nations."

Mr. *Gladstone* hoped the House would not consider him guilty of officious presumption in rising at that period of the debate to state those arguments which appeared to him conclusive against the Motion of the noble Lord (Palmerston); for although the House would properly look to the Government for a defence against the serious charges which the noble Lord had preferred against them, and although he had not now the honour of being a Member of the Government, yet he was conscious of his share of the responsibility which attached to the measure of the Government with respect to the Sugar Duties; and he freely and at once admitted that the responsibility of having joined in their recommendation involved him in a share of the responsibility which now attached to the refusal on the part of the Government of the demand of Spain.

Conscious as he was of that responsibility, he had no disposition whatever to shrink from it. He assented freely to the doctrine of the noble Lord, when he declared that the engagements of this country should be construed in an honourable spirit, and that advantage should not be taken of mere verbal accidents to escape the plain and obvious effect of Treaties. He would not now follow the noble Lord in much that he had addressed to the House. While he professed he was surprised at the paucity of the facts adduced by the noble Lord, compared with the immense field which he had to traverse, he found that although the noble Lord had not had time to examine many matters which threw great light upon this subject, the noble Lord had found time to collect and discuss matter on which he founded two attacks upon the Government; one an historical record of all that had taken place in respect of these matters since the present Government came into office, and the other a dissertation upon the subject of the Right of Search, upon the Ashburton Treaty, and upon a variety of other matters totally unconnected with the merits of this question, except in the mind of the noble Lord, who, urged by his tenacious animosity against the Government, against the sense of even those around him, could not help advancing again and again these often refuted charges. He thought the noble Lord would have approached the present subject under circumstances of greater advantage had the noble Lord for once been content (though it would have been a severe sacrifice for the noble Lord to make) to abstain from these party discussions, and confine himself to the great question before the House. The noble Lord said that Her Majesty's Government had broken faith with the Crown of Spain, and broken faith without even the wretched apology which a breach of faith might receive from the circumstance that it seemed to secure some great commercial advantage; that they had broken faith, in fact, in opposition to the palpable and obvious interests of their own country. These measures had never been defended on the ground of convenience to the commercial interests of the country; but the noble Lord, in insisting on the injurious or inconvenient effects of them upon commerce, left it to be collected that they were advocated on the ground of their tending to promote commerce, and not upon the ground of different and higher obligations. The noble Lord might have assumed that the very obviousness of some of the inconveniences he complained of, must have led to a more searching examination of them than he chose to give Ministers credit for, had they been founded on commercial principles. But the House had to examine a subject which was affected by no less than twelve separate commercial Treaties —Treaties which were illustrative of our commercial history, practice, and law for a period extending over 200 years. After stating this, he should endeavour, without one word, if he could avoid it, of party bitterness or retort on the noble Lord, to toil patiently through all the circumstances with which he was acquainted, and which appeared to throw any light upon the subject. Before laying down his propositions, however, he ought to state that he himself was alone responsible for them —that he manifestly could not be authorized to state the case of the Government —that he presented his arguments, simply as arguments drawn according to his own personal view and judgment, from materials and documents which were before the House, or accessible to it. In that light he hoped they would be received and judged of by the House, and by them as arguments, he for one, at least, was ready to abide. He should undertake to prove to the House three propositions: propositions quite independent of one another. He believed that he should prove each and all of them incontestably: but even if his argument failed in any one, it would in no degree weaken either of the other two conclusions. He would prove, firstly, that the Treaties on which the claim of Spain was founded, were not in absolute and unqualified operation. Secondly, that if they were, still they did not bind either country to admit the produce of the other upon the terms of the most favoured nation. Thirdly, that whether they did or did not contain this stipulation generally, it did not extend to the Colonial possessions to which the present discussion related. The first of his propositions, then, was this: he was ready to contend that it certainly was unwarrantable, perhaps extravagant, to state that the Treaties on which the noble Lord had founded the case of Spain, were, at this moment, fully and unconditionally in operation. He would not undertake to

say—very far from it—that they were altogether annulled; he would not undertake to state to what precise degree they still had force or a binding effect; but he would show certain circumstances which made it plain that whatever these Treaties might be, they were distinguished in very important respects, as regarded the universality and stringency of their application, from the generality of the Treaties which stood upon the list of our national engagements. The noble Lord had stated the case of those Treaties very clearly. He had gone to the authentic source, and read from he Treaties themselves the most important of the Articles upon which the claim of Spain was founded. He would not so far trouble the House as to particularize each and every one of the Treaties by which the earlier Treaties were confirmed; but he believed that, for one cause or another, he should be obliged to refer to most of them in the course of his argument; for the present it was enough for him to say, that, up to 1763, they stood as a complete code, each Treaty confirming, generally, the provisions of former ones, and likewise adding, more or less, of new matter to them. They were confirmed afresh in 1763 in the most absolute form—namely, by the recital *in extenso* of the Treaty of 1687, which was the most important of them all. Then he came to 1783; and the Treaty of that year contained a new confirmation, which, although it was much less formal and precise than the confirmation of 1763—for it did not recite the instrument, nor refer to all the details and particulars, yet it did state that the former Treaties were to be taken as the basis of that Treaty, and that they were to be "religiously (he believed that was the expression) observed." But now he came to the commencement of the circumstances that began to establish the difference for which he contended. In the Treaty of 1783, there was an engagement between the two parties that they should forthwith name commissaries of note to treat concerning their interests; and the Ninth Article of the Treaty of Versailles, in which this engagement was embodied, was founded upon the basis of reciprocity and mutual convenience. If that were taken alone, it had but little effect upon the obligatory character of the previous Treaties, because they were confirmed; but accompanying this Treaty were two simultaneous declarations of the negotiators of the two parties. Now to these two declarations the noble Lord made no allusion whatever. He did not pretend to be learned in the law of nations; but he thought that the terms and tenor of the declarations, the circumstance that they proceeded not from one but both parties, and that they were simultaneous with the conclusion of the Treaty itself, would show to the House that they were documents of considerable importance, and had a bearing upon the force to be assigned to the main instruments themselves. For instance, with regard to the British declaration, that drew a clear distinction between the different classes of provisions contained in all the former Treaties. It divided them into the classes, first, of personal privileges, secondly, of commercial regulations, and declared expressly, that, whilst the personal privileges ought to be unalterable, the commercial regulations ought to be subject to alteration from time to time, and that it was only with regard to commercial regulations that the then Sovereign of Great Britain would consent to an alteration of the Treaties. He now turned to the Spanish declaration, and he found that that was evidently meant to cover a state of things in which those old Treaties were habitually set aside—and set aside according to both their spirit and their letter. He would not say universally, but "set aside" both in spirit and letter, with regard to the great commercial regulations which the noble Lord had brought under the consideration of the House to-night, if their letter or their spirit in any degree possessed the character which the noble Lord had assigned to them, on which he should have more to say presently, or, indeed, according to any reasonable construction of them. The Spanish declaration stated—

"The intention of His Catholic Majesty is not in any manner to cancel all the stipulations contained in the above-mentioned Treaties. He declares, on the contrary, from henceforth, that he is disposed to maintain all the privileges, facilities, and advantages expressed in the old Treaties, as far as they shall be reciprocal, or compensated by equivalent advantages."

The Spanish negotiator pointed to reciprocal advantages, as the basis of the commercial part of the Treaties. The noble Lord had justly stated, that what

was called the most favoured nation clause, was something essentially distinct from the reciprocity Treaties. The old Treaties with Spain were not treaties of reciprocity. There was no reference whatever in them to the question of equality of imposts, as between the subjects of the one country, and those of the other. What was stipulated for was, that the subjects of each country should be treated by the other in a manner as favourable as the subjects of any other Power. Spain, however, proposed in 1783 to negotiate no longer upon the old footing of the most favoured nation, but upon the footing of reciprocity, by which she evidently meant to establish in form an existing and recognised practice. Spain had referred to previous negotiation; and he was perfectly right in saying, that she had at the same moment also referred to the existing and established practice between the two countries. The established practice, was not the practice of one or two years, nor that which might be attempted to be imposed by a powerful upon a weak State; nor was it one of those questionable examples which, he would add with the noble Lord, it was unjust and improper to draw into precedents. It was a practice on her side of at least twenty-two years' duration, agreed upon between equal and independent Powers. In 1761 the Family Compact was formed; and in that year, Spain, France, and Naples agreed to place one another mutually upon the same footing, not of the most favoured nation out of that circle, but on a footing of absolute equality, each with the other two. The practice of Spain for twenty-two years previously, had been upon this basis of reciprocity with France and Naples, while it was perfectly plain that, according to the most favoured nation clause, she was bound to have admitted us also to that equality. The intentions of Spain in 1783 were, that at length she should legalize what had been her practice for twenty-two years, by embodying it in the provisions of the Treaty. He had now shown what was the practice of Spain; and he would proceed to show the House something like an acknowledgment of it on the part of England. In 1786, this country framed an admirable Commercial Treaty with France; and in that Treaty there was the most favoured nation clause. But the most favoured nation clause contained an exception. On the side of England, France permitted England to introduce an exception in favour of the Methuen Treaty; and, on the side of France, England permitted France to introduce an exception in favour of the Family Compact with Spain. He, therefore, insisted that Mr. Pitt, when he permitted France to fulfil, in regard to Spain, the conditions of the Family Compact, recognised, by the most formal, public, and solemn act, the validity of that compact; and that compact which, as he had shown the House, had established an exclusive equality in Spain between French, and Neapolitan, and Spanish subjects; and that, too, in the face of Treaties with this country which placed us, according to the apparent meaning, on the footing of the most favoured nation. When they came down to 1809, they found that the first thing done was to ma e an engagement between the two Powers to negotiate a new Treaty; and it was clear that those who signed this instrument could not well have been of opinion that the whole of the provisions of the old Treaties were in force at that time. True, the war put an end to these arrangements; but, in 1814, he found several provisions introduced that were very material to be considered. The engagement of 1809, to proceed forthwith to negotiate, was then renewed. And what was the provision then made? He would not now refer to the provision then agreed upon as to the Colonies; but would point out that the persuasion of those who then negotiated was, that they had not, in the old Treaties, a security for the treatment of their respective countries, upon the footing of the most favoured nations, or they would have been satisfied with the existing engagements; and in the interim—and this was most important, because it was, in point of fact, the provision under which our present relations with Spain were governed—it was agreed by an additional Article, signed at Madrid on the 28th of August, 1824, that, pending the negotiation of the new Treaty, Great Britain should be admitted to trade with Spain on the same conditions which existed previous to the year 1796. Great Britain was to be allowed to trade with Spain according to the terms under which she traded with Spain antecedent to 1796.

He had already shown them, that on the part of Spain, the terms on which trade was carried on antecedent to that period admitted of the Family Compact, allowed Spain to grant to France and to Naples exclusive privileges, and admitted also of Mr. Pitt's recognising the right of Spain to grant the exemptions which she had exclusively granted to France and Naples. That was the state of things prior to 1796, and that was the state of things which was re-established in 1814, and under which our relations with Spain still existed. He would quote the declaration of the Spanish Minister on this subject, which he found in Sir Henry Wellesley's despatch of April 21, 1817. The Spanish Minister asserted to Sir H. Wellesley that—

"Although the Treaty of 1814 re-enacted the Treaties which existed prior to 1796, it did not expressly specify which Treaties, nor what Articles of them, which were necessary, there being great contradiction in the stipulations of those Treaties, some of them had provided for a reciprocity which did not exist; and that the Treaty of 1814 could therefore be understood only as renewing good understanding, harmony, and mercantile relations in general between the two countries."

The Spanish Minister also said that the Articles of the Treaty of 1783, which stipulated that commercial arrangements should be entered into between the two Powers on the basis of reciprocity and mutual convenience, was as much in force then as any Article of the new Treaty; thus intending to set off that Article as relaxing and qualifying the obligation of the old Treaties. What he had quoted was a reply to the question whether these ancient Treaties retained their obligatory power, even if affected by any subsequent transaction. He would now quote some other works, which he granted were susceptible of a double interpretation, but either way was sufficient for his purpose. The first was a document of 1786, and was a Report of the Board of Trade in answer to a reference made to it by Mr. Pitt, with the draft of the Treaty of Commerce with France, requesting its opinion. The Board of Trade appeared to have had its attention called to the question, whether, if low and favourable duties were established with France, as Mr. Pitt proposed, we were likely in consequence to be subjected to differential duties in Spain. The Report of the Board of Trade showed that in the opinion of that Department, there was no doubt as to the right of Spain to impose those differential duties on British merchants. That Report, in point of fact, argued principally, if not entirely, the question whether or not it were probable that we should be subjected to differential duties in Spain, in consequence of the low duties imposed by us in regard to France, and by way of retaliation on the part of Spain; but it never insinuated the slightest doubt of the right of Spain to establish such differential duties. He admitted there were two ways of explaining this; it might be said that the Board of Trade had so reported, either because they considered the old Treaties abrogated, or because the old Treaties did not meet the case. If they were abrogated at that time, there was an end of any claim founded on them; and if the old Treaties did not meet the case, the argument on that ground was equally fatal to the noble Lord's Motion; for if they did not meet the case contended for by the noble Lord at the time they were entered into, they could not since that time have acquired any new or more extended construction. He would now proceed to draw the noble Lord's attention to several facts in connexion with those Treaties, which the noble Lord would find capable of explanation, either by supposing that the Treaties themselves were null, or by the petti-fogging attorney's argument he spoke of; but which could not be explained away upon any sound reasoning nor any intelligible supposition. In the debates upon the French Treaty, Mr. Fox, in arguing against it, contended that Spain would claim the benefit of the relaxations therein stipulated in favour of France; and Mr. Sheridan, who followed him in the debate, used the same argument, that Spain had the right to demand to be placed upon the same footing; but Mr. Pitt did not agree to that argument, and refused to admit the right advanced as regarded Spain. Mr. Pitt said (though he gave no opinion as to the constructions of those Treaties) that the rights accruing to Spain out of the Treaties between her and Great Britain were under discussion. He thought, therefore, that he was justified in saying that if those rights were then under discussion, they were not so clearly defined by the Treaties in the opinion of

either party as the noble Lord opposite seemed to suppose. He had reminded the House of the Family Compact between Spain, France, and Naples; and he would now tell them of something equivalent on the part of England. Now, Mr. Pitt's Treaty with France established a low tariff of duties in favour of France, but Spain never had the benefit of that low tariff. The Treaty establishing that low tariff was in force from the period of agreeing to it till the commencement of the war; yet Spain never until now claimed to be placed on the same footing, on the ground that the Treaties with Great Britain gave her the right to be placed on the footing of the most favoured nations. He thought, therefore, that in this instance the low pettifogging attorney's argument adverted to by the noble Lord might, perhaps, have found favour with both Powers, and that even Mr. Pitt might fall within the scope of the noble Lord's condemnation. The Treaties with Spain stipulated for certain advantages to the subjects of Spain, to Spanish merchants; but Mr. Pitt's Treaty with France referred to the merchandise of the country, however brought, and not to the merchandise of any particular merchants. Though he could understand, therefore, how Mr. Pitt became liable to the animadversions of the noble Lord, for according to France a lower rate of duties than to Spain, he could not see how Spain had acquired the right now to call upon this country to give her produce the benefit of the present low rate of duties. Perhaps the noble Lord who said that the faith of this country had been kept untainted until it was sacrificed by the present Government, would explain that Treaty with France, and would show that Spain had had the benefit of the low rate of duties—that she had considered herself entitled to them—or that she had complained of being excluded from them. He referred to these matters to show not that the two contracting Powers had all along violated the Treaties, but that they had understood the object and force of the Treaties, and understood them in a sense different from that for which the noble Lord now contended. He now came to what was called the Colonial Clause of the Treaty of 1814. How did the noble Lord, upon the principle of which he was now the advocate, account for the introduction of that clause? In that Treaty there was this somewhat one-sided stipulation :—

"In the event of the commerce of the Spanish American possessions being open to foreign nations, His Catholic Majesty promises that Great Britain shall be admitted to trade with those possessions as the most favoured nations."

But according to the noble Lord's argument, we had all these advantages before the ancient Treaties; and any who differed from him in that respect were set down by the noble Lord as men who used the arguments of low pettifogging village attorneys. But if all these advantages were secured to us by the ancient Treaties, which he admitted remained, as to their extent, the same after the Treaty of 1814 as they were before 1796; how did the noble Lord account for the introduction of this provision? According to the noble Lord's argument it must be worse than surplusage, for it gave us nothing that we had not already, and by giving it us in a particular quarter, led to the inference that we did not possess it universally. He contended that this clause, which opened to Great Britain the trade of the Spanish American Colonies, when other nations should be permitted to carry on trade with those Colonies, proved that we were not entitled, before that Article was written, to claim from Spain that advantage which that Treaty secured to us. But this Article did not purport to be intended to clear up doubts that might have arisen, or to be a declaratory Article; but it stipulated *de novo* that certain privileges should be conceded to Great Britain, which, according to the noble Lord opposite, she already possessed; but which it appeared to him much more rational to suppose she was not thought by her own statesmen to possess. But the noble Lord was in office in the year 1822, and unless he recanted some of his present opinions he would have to answer for a serious catalogue of his own misdeeds. In 1819, the reciprocity principle was introduced into our Treaties; and for seventeen or eighteen years after that period we placed other countries, with which we had Treaties of reciprocity, in the same position as our own with regard to ships and goods in our ports. Spain, however, did not obtain the benefit of these reciprocity Treaties; she continued to pay

differential duties; and while ships of other nations were admitted, and had been for nearly thirty years admitted, into English ports on payment of the lowest dues, the highest dues had been exacted from Spanish vessels. It was an easy thing for the noble Lord to declaim against the policy of Her Majesty's Government; but he must remind the noble Lord that, during nearly the whole period to which he referred, the noble Lord had been in office, and for a considerable period was Secretary of State for the Foreign Department. He called upon the noble Lord to dispose of this argument, and to explain how it was, if Spain was, as he now said, entitled unconditionally to be placed on the footing of the most favoured nations, the ships of Spain had, during the space of twenty-five or thirty years, paid dues in British ports from which one nation after another had been exempt, and from which almost every other nation now was exempt. But the noble Lord would say, perhaps, this was the result of reciprocity Treaties concluded with other nations. [Viscount *Palmerston:* Hear!] But was that the only answer? He should be happy to hear that it was. The noble Lord knew well that these old Treaties with Spain had nothing to do with reciprocity. In our reciprocating Treaties, the reciprocity stipulation was distinctly set forth. In the Treaty with America, America said, your subjects the subjects of Great Britain, shall pay in our ports only the same dues as are paid by the subjects of the most favoured nations, provided our subjects pay the same dues in your ports as are paid by the subjects of the most favoured nations. But these old Spanish Treaties made no exception with regard to favours granted by either Power to third countries on the score of reciprocity—they merely contracted, that let Great Britain contract what it might with the subjects of another Power, the subjects of Spain should be entitled to the same privileges as were conceded to the subjects of that third Power. If, therefore, there had been a stipulation for the reciprocal admission of the general produce of the two countries, and for the terms of the most favoured nation, in the sense which the noble Lord maintained, we could not have declined extending the advantages of the reciprocity Treaties to Spain upon the ground that the privileges which they granted were given in exchange for equivalents. Under the clause of the most favoured nation, equivalents have nothing to do with the matter. What did we say to America last year, in regard to the Treaty between the United States and the States of the Zollverein—or rather, what were we prepared to say if the call had arisen? The States of the Zollverein were prepared to make a Treaty with the United States, providing for certain remissions of duty on the productions of the United States entering the ports of the Zollverein, in return for certain reductions in the duties charged on the products of the Zollverein in the ports of the United States; but everybody said here, "let America grant these reductions to the Zollverein, and we shall have the benefit of them." Was there any doubt of that? Did the noble Lord doubt it—or did anybody doubt it? That was, we had a contract with America which stipulated that the produce of Great Britain should be admitted into the ports of the United States on the same terms upon which the produce of the most favoured nations was admitted; and also that Great Britain should extend the same advantages to the produce of America. No man, therefore, could doubt that we had a right to demand from America that she should admit our produce on the same terms as she received the produce of the Zollverein, though the Zollverein gave an equivalent, and we gave no equivalent. This was what was called an unconditional reciprocity; but nothing of the kind was to be found in our Treaties with Spain. Then, if the noble Lord's construction of those Treaties was the correct one—if, as he said, the good name of the country had been sacrificed by the present Government in regard to these Treaties, he must recollect that it was not the first time that that sacrifice had been made. That good name, if sacrificed at all, had been equally sacrificed by former Governments, of which the noble Lord was himself a member, inasmuch as, from the year 1819 onwards until now, Spain paid a higher rate of duties upon vessels, and in some instances upon produce coming into this country, than the produce and vessels of other nations paid, and never before demanded any relaxation of those higher duties, though it was known that those other nations had their products admitted at the lower rate of duty under reciprocity Treaties. It appeared to him, also, that the noble Lord had himself, when in office, acted in direct contradiction to the doctrine he now laid down.

Let the House not forget the instructions sent out to Spain by the noble Lord himself when he held the seals of the Foreign Department. The noble Lord addressed a despatch to Lord Clarendon, then the British Ambassador at the Court of Madrid, authorizing and desiring him to negotiate a Treaty, the object of which would be to place this country in its intercourse with Spain upon the footing of the most favoured nation. He was entitled to say then, that in 1835, the noble Lord himself was not of opinion that the produce of Spain or her Colonies was entitled to come into this country upon the footing of that of the most favoured nation, or that we had a right to demand the introduction of our produce into Spain on those terms; for he in that year urged upon Spain the justice and expediency of agreeing to a new Treaty with us as the most favoured nation; while he and his Government, in the mean time, very properly withheld the same advantages from Spain, and while the ships of Spain were paying the higher rate of duties in our ports. He said, then, that it was never before supposed that Spain had the right which was now contended for. And although last year a new claim was started in regard to the ships of Denmark, up to that time, and long after, no question had arisen in reference to the ships of Spain. The noble Lord told them that the successive Governments to which he belonged had struggled hard; had maintained a constant struggle with Spain for the commercial rights of England. The noble Lord assured the House that the rights of Great Britain had been during his Administration at all times maintained, with great ingenuity of argument: still the country made no advance, we never got further. Possibly once a year or so a letter was written, or a remonstrance made, or a formal visit paid; but every one knew that no real progress was effected, and the merchants of this country had still to suffer their grievance, while the noble Lord was making from year to year most ingenious arguments in their favour. In 1841, the noble Lord instructed Mr. Aston to claim of Spain, on behalf of our goods, that they should be received in her ports on the footing of the products of the most favoured nations. The noble Lord said, there had been a constant struggle between the two countries on this subject. He was aware that there had been a constant passing of diplomatic notes and negotiations; but there had never been any recognition on the part of Spain of this equality. They never had led to any practical benefits. The noble Lord had demanded, amongst other things, that the linen of Great Britain should be admitted into Spain on the footing of that of the most favoured nations. But was it done? No such thing. It was done afterwards to all nations at once; but certainly it could not have been the object of the noble Lord to obtain that privilege for Belgium. [Viscount *Palmerston:* It was done by Treaty.] He begged pardon of the noble Lord. It was done by Treaty for Belgium, but it was not done by Treaty for us; but Spain then granted to us that advantage, at the same time that she gave it all other nations, and not till then. Mr. Bulwer, he was well aware, had demanded under the present Administration, that the ships of Great Britain should be admitted into Spanish ports, especially into the port of Barcelona, upon the same footing as French ships were admitted. But had that demand been conceded? No; it had not been granted even up to this very hour. So that, in point of fact, during the whole time that the noble Lord was himself in power, England had continued to levy a differential duty on Spanish ships, while Spain pursued the same practice in reference to British ships; and when Great Britain demanded to be placed on the footing of the most favoured nations, those demands were refused, if not in word, yet in act, by Spain. He did not refer to this to show that both parties had failed to comply with their engagements to each other, but to show that those engagements were not what the noble Lord now stated them to be; and even if they bore the interpretation of the noble Lord, his accusations ought not to be made exclusively against the present Government. He had now done with that portion of the argument which went to show that the Treaties were not in full force. He conceived it had appeared clearly, both from the language and documents, as well as from the acts of the two Powers, that the ancient Treaties which continued in their full force to the year 1763, were not in full force after the war of the French Revolution, and were not in full force now, as the Treaty of 1814 only revived them to the full extent, and for the same purposes, as they existed previous to the Revolution-

ary War. He said, those old Treaties were not now in full force; but supposing that they were now in as full force as they were in 1763, when they received confirmation as to their objects and intentions; still, he contended, they did not stipulate for a minimum rate of duty on the produce of Spain imported into Great Britain, but merely placed the subjects of Spain, and all that belonged to those subjects, on the footing of the subjects of the most favoured nations; and in speaking of subjects, of course it would be understood that those who were specifically meant were merchants—those engaged in trade. He would proceed to demonstrate —first, by the plain ostensible meaning of the words of the Treaties themselves; secondly, by the evidence of facts; and, lastly, by the absurd consequence which would follow an opposite construction — that the construction which he put upon those Treaties was the correct one. First, as to the plain meaning of the words, he objected to the principle of admitting any departure from the letter of a Treaty, for the purpose of carrying out what any particular person might understand to be its spirit, unless under particular circumstances, and upon the strongest evidence. As a general principle, it was dangerous to invoke the spirit of a Treaty against its letter. He did not mean to say that such a course was never to be justified; but what he said was, it could only be justified by the strongest evidence. For what was the object of a Treaty? It was to put the stipulations contracted for between two or more Powers beyond any doubt, and not to leave it in the power of any one of the parties at a future period to put upon the Treaty a different meaning from that intended. The words of the Treaty spoke for themselves, and in estimating the intention of the contracting parties, it was to those words they were to look. The feeling in the mind of the noble Lord, as to those Treaties, had, no doubt, arisen from the fact, that he measured the circumstances of the time when those Treaties were entered into, two hundred years ago, by a reference to the totally altered circumstances of the course of trade in the present day, to which they had no legitimate reference, and with which they had no connexion. Now, as to the letter of the Treaty there was no doubt—it stipulated for nothing but in reference to that which belonged to the subjects of Spain — not in reference to the produce of Spain generally. It might be said by the noble Lord, that that was absurd or unfair, and that to interpret those stipulations literally, would be to put too narrow a construction upon them—that you must put a gloss upon them, to make them more in accordance with justice and common sense. But he was prepared to show, from the circumstances of the time, that the literal meaning was the true meaning, and, at the same time, the rational meaning, and that the noble Lord's construction was neither the true one nor the rational one. On this point he was sure the House would agree with him, that it was a most unsafe doctrine to affirm generally that Treaties must change according to the circumstances of the time. If circumstances changed, the discretion of the parties revived, and though they were, no doubt, bound to carry out the spirit of the earlier Treaties, they were not entitled to make any inference from the circumstances of those earlier times, as compared with the present, and apply them as of compulsory obligation against the obvious meaning of the instruments themselves. He doubted not he could show that the rational meaning of the Treaty was opposed to the doctrine of the noble Lord; and the first step he should take for that purpose would be to refer them to what was called the Great Statute, which was well known in commercial law, as they would find it in "Foster's Digest," edition of 1727. In that Statute, the 12th Charles II., cap. 4, it would be found that two descriptions of customs' duties were granted by the Commons to the Crown; and the Statute proceeded to point out (that which had obviously escaped the notice of the noble Lord) that the mode then was to tax the same articles in a variety of different ways: sometimes they were taxed as particular commodities raised in particular countries—sometimes as particular commodities imported from particular countries — sometimes as particular commodities brought into particular ports—and sometimes they were taxed, and most commonly so, according to the country of the ships in which, and the parties by whom, they were imported. Now he wished the noble Lord to look well to these facts; for they were most important, as bearing upon his argument. The Great Statute of Charles II., which

remained in force for a long series of years, and formed the basis of our customs' laws until a recent period, granted tonnage duties upon French wines imported into the port of London by British subjects of 4*l.* 10*s.*, and of 6*l.*, if imported by aliens; upon the like wines at our outports of 3*l.*, if imported by British subjects, and of 4*l.* 10*s.* by aliens; upon Spanish wines imported into London by British subjects, 2*l.* 5*s.*; by aliens, 3*l.*; Spanish wines imported into any outport by British subjects, 2*l.* 5*s.*; by aliens 3*l.*; upon Rhenish wine, into whatever port, if imported by British subjects, 1*l.*; if by aliens, 1*l.* 5*s.* There was also another tax imposed by the same measure upon exports, called poundage, which differed in like manner according as the exports were made by aliens or British subjects, between whom the House could not fail to observe there was throughout a desire to establish a distinction. Now, he felt convinced, that the interpretation he put upon the Treaties with Spain, viz., that they were intended only to secure, the interests of the subjects of the two countries respectively, was the correct one, and that the noble Lord's interpretation, which extended it to the produce of the two countries generally, was not the correct one. It was stipulated by England, that the goods of Spanish subjects should be treated in all respects the same as goods belonging to the subjects of the most favoured nation; but if the noble Lord's construction were the correct one, foreigners, who were the subjects of neither country, might import Spanish produce into England upon the same terms as could be imported by the subjects of Spain. The spirit of commercial legislation of that age generally, was to keep a monopoly of the trade of each country in the hands of its own subjects; therefore it was not likely that the King of Spain would stipulate that Spanish produce should be received by Great Britain from foreigners of whatsoever country, upon the footing of the most favoured nation; but what he stipulated for, no doubt, was, that Spanish produce belonging to Spanish subjects should be received on the footing of the most favoured nation. The spirit as well as the letter of the Treaty was in favour of that construction which the noble Lord treated so contemptuously. The noble Lord might urge that if his construction of the Treaty were too wide, it were better to err on the liberal side, and rather to put a construction too wide than too narrow upon any Treaty; but he would meet this argument by proceeding to show that if the noble Lord's construction of the Treaty was too wide as to imports, it was too narrow as to exports. How, for example, could it answer the purpose of the Spanish exporter of woollen cloth, that there should be a relaxation of the duties on the import of Spanish goods? Such a Treaty as we had with Venezuela would not be sufficient to answer the conditions under which trade was formerly carried on. It would not have met the enactment of the law by which the alien was taxed; and if the stipulations were interpreted in the sense of the noble Lord, they would, so far, be useless for Spanish subjects residing in England. He contended, then, that the rational construction of the Treaty was as much in favour of his views, and against that of the noble Lord, as was the literal one. Again, he would show that the distinction he had attempted to draw between the subjects of a country and its produce was not a mere fanciful one, but was supported by history. It was well known, he believed, that the Treaty with Portugal — the Methuen Treaty, had never been made the subject of evasion, and had never failed to cover those cases in regard to Portugal which it was now alleged the Spanish Treaties did not cover in reference to Spain. It had been effective for all its purposes. That Treaty provided that the wine of Portugal should pay a less customs' duty than was charged upon the wine of France. If this Methuen Treaty had been framed in the same terms as the Spanish Treaty, he admitted that would be a strong point in the noble Lord's favour; but if he could show that in that Treaty a form of expression altogether different was adopted, that was a strong though a negative argument in favour of the interpretation for which he (Mr. Gladstone) contended. By the second Methuen Treaty we were bound to admit the wines of Portugal— not of the subjects of Portugal, be it observed, into Great Britain at a rate of duty one-third below that which was charged upon French wines; and the Treaty further stipulated, that at no time and under no circumstances, whether there were peace or war between the kingdoms of Great Britain and France, should a higher rate of duty be demanded upon such wines, (not from such subjects, remember,) either

as customs' duties or otherwise, and whether imported in pipes, hogsheads, bottles, or in any other way. The House would observe, then, that when the object was to secure a minimum duty on the produce of a country, a form of expression was adopted differing from that which was to be found in the Spanish Treaties. Again, the Treaty entered into in 1787, by Mr. Pitt with France; that was a Treaty for the benefit of the subjects of Great Britain and France as to the duties charged in respect to their goods, on the produce of either country, and the form of expression varied accordingly. He was going to quote another authority, to which he begged to call the attention of the noble Lord, because he was going to quote the noble Lord himself. He would show as plainly as possible, that in the Treaties concluded by the noble Lord, he recognised the distinction which he had called on the House that night to repudiate. He would take the Treaty which the noble Lord had concluded with the Netherlands in 1837, and which was to be found in the 5th volume of *Hertslet.* In this Treaty it was provided that "in matters of commerce and navigation," (and he had observed the triumph of the noble Lord when he noticed the word "commerce" in Spanish Treaties; that term, the noble Lord said, was so large, it covered every thing,) there should be hereafter granted to the subjects of the respective Sovereigns the same privileges which were granted to the subjects of the most favoured nations. The following was the Article:—

"There shall be reciprocal liberty of commerce and navigation between and amongst the subjects of the two high contracting parties; and the subjects of the two Sovereigns respectively, shall not pay in the ports, harbours, roads, cities, towns, or places whatsoever in either kingdom, any other or higher duties, taxes, or imposts, under whatsoever names designated or included, than those which are there paid by the subjects of the most favoured nation; and the subjects of each of the high contracting parties shall enjoy the same rights, privileges, liberties, favours, immunities, and exemptions, in matters of commerce and navigation, that are granted, or may hereafter be granted, in either kingdom, to the subjects of the most favoured nation."

If that Article had stood alone, no doubt some plausible and able ex-Minister, 200 years hence, might argue that all articles the produce of that country, ought to be admitted into Great Britain on equal terms with those of the most favoured nation, and would be supported by the noble Lord's argument of to-night. But was that the view of the noble Lord in 1837? No such thing. Another clause was inserted with regard to produce. The noble Lord, wishing to provide for the produce of the two countries, did it by a distinct stipulation properly framed for the purpose, which he would proceed to quote:—

"No duty of customs or other impost shall be charged upon any goods the produce of one country, upon importation, by sea or by land, from such country into the other, higher than the duty or impost charged upon goods of the same kind the produce of or imported from any other country; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, do hereby bind and engage themselves, not to grant any favour, privilege, or immunity, in matters of commerce and navigation, to the subjects of any other State, which shall not be also, and at the same time, extended to the subjects of the other high contracting party, gratuitously, if the concession in favour of the other State shall have been gratuitous; and on giving as nearly as possible the same compensation or equivalent, in case the concession shall have been conditional."

The First Clause was intended only to protect the persons of those subjects against demands; but not to protect the produce irrespective of ownership. He (Mr. Gladstone) had shown, therefore, that after the noble Lord had provided in 1837, in the largest terms, for the privileges of subjects, so sensible was he then that this provision would not cover the produce of the country, that he inserted another clause, having that end in view. The "village attorney" distinction was also recognised in the Treaty of Turkey of 1838. The First Article of the Treaty differed from the Article of the Treaty of the Netherlands in this respect, that it gave the privileges of the most favoured nation, not only to subjects, but to ships:—

"All rights, privileges, and immunities which have been conferred on the subjects or ships of Great Britain by the existing Capitulations and Treaties, are confirmed now and for ever, except in as far as they may be specifically altered by the present Convention; and it is moreover expressly stipulated, that all rights, privileges, or immunities which the Sublime Porte now grants, or may hereafter grant, to the ships and subjects of any other Foreign Power, or which it may suffer the

ships and subjects of any other Foreign Power to enjoy, shall be equally granted to, and exercised and enjoyed by, the subjects and ships of Great Britain."

The very pointing out of "ships" made it clear what was the object of the contracting parties. The Articles also contained a stipulation that if hereafter better terms were granted to any other countries, Great Britain should have the benefit of them. But, notwithstanding that, although the Treaty was signed, he found a separate document added to the Treaty, under the name of "Additional Articles." There was an Article providing that the produce of Great Britain should be admitted at the lowest duty of the most favoured nation. Its being appended to the Treaty in a separate instrument, showed more distinctly that the necessity for it was felt, and that it could not be treated as surplusage. Now the lowest duty paid by other nations was 3 per cent.; and on referring to the fifth volume of *Hertslet*, it would be seen that the Article provided that—

"All articles being the growth, produce, or manufacture of the United Kingdom of Great Britain and Ireland, and its dependencies, and all merchandise, of whatsoever description, embarked in British vessels, and being the property of British subjects, or being brought overland, or by sea, from other countries by the same, shall be admitted, as heretofore, into all parts of the Ottoman dominions, without exception, on the payment of 3 per cent. duty, calculated upon the value of such articles."

They would observe that the Article stipulated not only for the produce of British subjects, but also for all produce owned by British subjects; therefore the object of the negotiators must have been to prevent its being supposed that the former Article was sufficient to carry all the stipulations in favour of "commerce." He had now illustrated the broad distinction of phraseology, which corresponded with the not less broad distinction of rights which the phraseology conveyed. He must now go to the evidence of facts; and again he entreated the attention of those who might be disposed, at first sight, to adopt the view of the noble Lord. He did not know how the noble Lord was to get over the facts he should adduce. He hoped they should have specific answers to them, and not generalities. The first of the Acts to which he would refer, was framed before 1667, and it gave a privilege to the wines of Madeira and of particular countries, which was not extended to Spain. That exceptional privilege was in force when the Treaty of 1667 was made, and they who put the construction of the noble Lord on that Treaty must show that that privilege was abrogated. In 1668, the very first year after the formation of the Treaty with Spain, they would find in Anderson's *History of Commerce*, that a differential duty was laid on Spanish wine, as compared with French wine. Anderson said, that—

"A duty of 4*d.* was imposed on every quart of French wine retailed, and of 6*d.* on every quart of Spanish or other wine."

That might be intended to operate as a discouragement upon Spanish wine, and to tax it according to its strength. It might be said that it was a duty of excise; but in its bearing upon the Treaty, he wanted to know how they could reconcile it with their construction, if the stipulations extended to Spanish wines. That Treaty, made in 1667, was, according to the noble Lord, broken in 1668. That breach, if such it were, was not remonstrated against, and the Treaty was renewed very quietly in 1670. He had another example, and with respect to examples there might be hundreds of them. He had picked out such as he could find by very limited inquiry; they must not suppose it probable that these constituted the whole. In the first year of James II.—he had given a case before the Treaty, and he had given a case a year after the Treaty; he would now give one fifteen years after the Treaty—in the first of James II., in 1685, when we came into the most dishonourably close relations with France, there was a disposition to form a differential taxation in her favour; and a duty was imposed upon French wine of 8*l.* a tun, whilst upon all other wines, Spanish wines included, a duty of 12*l.* a tun was imposed. How did the noble Lord get over that circumstance? He wished that the noble Lord had read the history and the facts of the case, before he had made his ingenious speech. It was not a small differential duty. Here was a distinction of 4*l.* a tun on the wine; 8*l.* a tun on French wine at the time when these Treaties of the noble Lord were in full vigour, and 12*l.* a tun imposed on Spanish wine, and that without the smallest intention of going against the Treaty on our part, or the smallest complaint on the part of Spain. He would now take the case of Snuff. By the 12th George I.—

"Snuff, if imported in British ships, is

rated to pay 2*s.* 6*d.* in the pound from the plantations in America and the Spanish West Indies, and 5*s.* if imported from Italy, Spain, Portugal, and all other parts, except France."

This as it stood appeared to give a favour to France not enjoyed by other countries; but as he was not certain that he was in possession of the whole case, he would not greatly rely on it, and only quoted it as an apparent instance in his favour. In 1784 Spanish wines paid a small sum more duty than Portuguese wines. According to M'Culloch, Spanish wine paid 4*s.* 10*d.* per gallon, and Portuguese 4*s.* 8¾*d.*, Spanish wine paying 1¼*d.* more. In 1787, they came to Mr. Pitt's tariff, which imposed a number of differential duties, operating, of course, against Spain, as compared with France. He would show them that after America had become independent, and while these Treaties were in full vigour, Spanish tobacco was liable to pay, and did pay, a higher duty than American tobacco. In a table which he held in his hand the following duties appeared:—

	Duty on American Tobacco.		Duty on Spanish or Portuguese Tobacco.	
	s.	*d.*	*s.*	*d.*
1789 . .	1	3	3	0
1790 . .	1	3	3	6
1796 . .	1	7	4	6
1806 . .	2	2 13-20ths.	5	4 19-20ths
1815 . .	3	2	5	5½
1819 . .	4	0	6	0
1825 . .	3	0	5	0

They would observe that he had now shown them an immense number of differential duties and privileges, reaching from 1663 to 1825. It might be said that was a good arrangement for us to act upon with the United States; but what came of the construction of the noble Lord with respect to tobacco? He had shown them that in many things, from a long continued stream of precedents to this hour, we laid on particular articles of Spanish produce a very much higher duty than we placed on the same articles coming from other dominions, which were, therefore, mere favoured nations with respect to this produce. [Mr. *Ward:* Was the tobacco in the same state?] In the same state. He had wearied the House with these instances; because he had shown a series of laws embodying from time to time provisions that perhaps could only be justified by what the noble Lord called "the village attorney's argument." He had told them that at this day they were charging differential duties on the ships of Spain, and that they were also at this day charging differential duties on certain goods. With regard to the differential duties on Spanish ships in different ports, at seventy-one ports in Great Britain there were charges made on Spanish vessels over and above those made on British vessels. They were most unequal at different ports; but at Belfast, for instance, on a ship of 600 tons and upwards, the charge on a Spanish vessel was 6*l.*; on a British vessel, or on a French or a Swedish vessel, not a steamer, 2*l.* 10*s.* At Hull, again, the difference of duty was as great as at Belfast. And, again, as respected goods, we had in exports all that distinction which attached on the nationality of the vessel. While a Turkish ship was allowed, not by Treaty, but by discretion, to carry coals free, a Spanish ship paid 4*s.* a ton, and no Power had questioned our right to levy that sum. There was also a trifling difference with respect to refined sugar. The bounty on the exportation of refined loaf sugar in British ships was 1*l.* 4*s.* per cwt.; in a Spanish ship, it was 1*s.* less. Therefore he had shown, with respect both to ships and to produce, proof that restrictive Acts were constantly passed by the Legislature in the case of Spain, with the perfect consent of Spain, and without the smallest taint on our honour. The produce of Spain, and even the ships of Spain, were taxed from time to time, according to the good will and pleasure of the British Parliament, which was not limited by any stipulations of Treaties, which were clearly shown to be irrelevant with reference to this subject. It might be said that the precedents he had shown were more on the side of England than of Spain. It might be said, that for a period of 200 years they had misconstrued the Treaty on the side of England. But he had already reminded the House of the Family Compact which had been entered into, by which Spain put the same construction on the Treaty that they had. They would admit that these Treaties had bound Spain to give to England the same footing as that of the most favoured nations; but the Family Compact said "no," France and Naples would be entitled to protest against it; and of the Family Compact he must observe, that it was undoubtedly at variance with the Treaties. The personal privileges which, as he contended, they guaranteed upon the footing of the most favoured nation, were the very privileges in which it granted peculiar and exclusive favour to Naples and to France.

With regard, then, to those privileges, there was considerable reason to think that the Family Compact was at complete variance with the noble Lord's construction of those Treaties. By the consent of both parties, these Treaties were allowed to go out of force; and if so, it could not now be contended that they could bring them into force again without the consent of both parties; and even if it were so argued, he had shown that they would be utterly worthless, so far as supporting the noble Lord's position—namely, equality of taxation. There was one Article of these Treaties that was remarkable, by reason of the solemn and peculiar language by which it was characterized in respect to its being made a provision for all times to come, by which it declared that the subjects of Great Britain should not be liable to pay any higher duties in Spain, than those they were liable to pay in the reign of Charles II. of Spain. In the Treaty of Utrecht, in 1713, there was this singular expression—"His Catholic Majesty ordains now and in future, as an inviolable law," &c. In the Treaty of Madrid, in 1750, the same expressions were used as to the inviolability of the law. With regard, however, to this so-called inviolable law, these duties of Charles II. of Spain ceased to be in force long before the war commenced between Great Britain and France, or France and Spain. These Treaties were incompatible with the construction put upon them by the noble Lord. In one place, this Treaty seemed to be equivalent to a limit of 10 per cent. duty on the imports and exports of Spain. He was amused when he heard the noble Lord say, "Don't force a construction of the Treaty like this upon Spain;" as if the noble Lord's construction could be enforced! Did the noble Lord think that the construction which he put upon the Treaties, granted that minimum duty which he argued in favour of, in respect to British produce in Spain? Now, he asked him, did he think that this country would be justified in forcing the observance of his construction at the point of the sword, and in the face of these Acts? [Lord *J. Russell:* Spain seeks for it.] Yes; Spain seeks for it from us, but refuses it to us. It was only lately that, in consequence of events which had passed in this country, Spain thought that there was a point to be raised—an opening for her to take advantage of—and she immediately propounded a doctrine diametrically in opposition, not only to her own law and practice as it had subsisted for 200 years, but as it stood at the present day. Let it be remembered that Spain was levying duties upon English ships which she did not impose upon the vessels of France, even at the moment when her Envoy had presented the letter then upon the Table of the House. He should certainly shrink from the responsibility of trying to force upon Spain such a construction of those Treaties as that for which the noble Lord had contended, in opposition to the continued acts and the innumerable declarations of the organs of Government of both countries. He should now proceed to examine what the results of the noble Lord's views would lead to; and he thought he should be able to show that the arguments urged by the noble Lord involved so much absurdity that they were actually fatal to his own interpretation of the Treaties. It was a rule in international law, long laid down, and always acted upon, that if a peculiar construction of a Treaty involved an absurdity, that the very fact militated against the justice of such construction. Now, he was prepared to show two consequences which must of necessity follow, if the interpretation put by the noble Lord upon the Treaties with Spain were to be adopted and acted upon. The first of these results was the undoubted one, that every reciprocity Treaty subsisting between England and any other country would be immediately cancelled and rendered needless, or else there must be a change made in the fundamental rules upon which reciprocity Treaties were at present based. The rule heretofore adopted as the basis of reciprocity had been, that inasmuch as a British shipowner could not employ his ships under the heavy fines to which they were liable on entering foreign ports, it was therefore absolutely essential, in order that he might so employ them, that a reciprocal Treaty should be entered into with those Foreign Powers, whereby those double duties were withdrawn. In all cases, therefore, when reciprocity Treaties were entered into, Great Britain granted to the ships of the Powers so treating, the same privileges in her ports as were enjoyed by her own ships, and received in return equal advantages. But under the noble Lord's construction of the Treaty with Spain, Denmark, which had Treaties corresponding, as he inclined to think, in substance with those of Spain, would obtain all the advantages of these reciprocity Treaties on her side, without granting any in return, as he would show. Supposing the

doctrine of the noble Lord held good, namely, that Spain, and therefore, Denmark, was entitled to be placed in all respects upon the same footing as the most favoured nations, would not the immediate consequence have been that it would have been utterly impossible to enter into a reciprocity Treaty with Denmark? For would not Denmark be in a condition to say that she was entitled to send her ships into the ports of England upon an equality with English ships, immediately that we had granted the privilege of equality to Prussia or any other power? Whereas she was under no necessity whatever of granting any exemptions in favour of English merchant bottoms, which she would accordingly retain the right of placing under double or any other charges; and Denmark having the cheapest and most economical mercantile navy in Europe, she would be enabled to sail to all the English ports with her ships at half the cost of the ships of this country. Spain would stand in precisely the same situation; and, the duties on English vessels in Spanish ports being extremely heavy, the whole of the carrying trade must of necessity be diverted into another channel. Now, if the principle upon which Mr. Huskisson proceeded in entering into reciprocity Treaties with Foreign States was looked at, it would be found to consist simply in the determination on his part to grant to those countries precisely the same advantages that they accorded to England; and therefore it was that he asserted it to be impossible to admit the noble Lord's construction of the Spanish Treaties to be correct, seeing that if adopted, it would take it out of the power of this country to exclude Denmark from the benefit arising from those reciprocity Treaties, without herself being under any obligation to grant any such advantages as her ships enjoyed to the vessels of Great Britain. The noble Lord appeared to feel the force of the argument he (Mr. Gladstone) was then urging, and to have framed the prayer of his Address to the Crown accordingly; for he did not pray that the Crown would be pleased to give directions to admit the sugars of Cuba at the same rate of duty as those from Java; but he prayed that—

"The subjects of the Queen of Spain should be permitted to import into the United Kingdom all the productions of the territories or possessions of the Spanish Crown, paying thereupon no higher duties of customs than are paid by the subjects or citizens of the most favoured nations on the importation of like articles, being the production of the territories or possessions of such nations."

If such a regulation were to be adopted and enforced, what would necessarily follow? Whenever a cask of Havana sugar was imported, they would be obliged to inquire into its ownership. When they had ascertained who was the owner, they would have to ascertain his nationality, and then his denizenship — they would have to do all this—for all that the noble Lord could contend was, that the Treaties were absolute with regard to produce in the hands of Spanish subjects, and that they could not lay higher duties upon it in the hands of Spanish subjects, than they could impose upon the same produce imported from other countries. Such a course of proceeding would require a system so glaringly at variance with the whole course and tendency of the present commercial legislation of this country as to amount to an absurdity, springing, of course always, from the noble Lord's construction of the Treaties. He would soon approach the consideration of that part of the case which, he was quite ready to admit, was the weakest and least satisfactory portion of it. He (Mr. Gladstone) had endeavoured to show that the construction put upon the Treaties with Spain by the noble Lord, was contradicted and refuted by the practices of both countries, during a period extending over nearly 200 years; he (Mr. Gladstone) was ready to grant so much to the noble Lord as to admit that, according to the then course of trade, the Articles of the Treaties referred to were intended to have an effect nearly analogous to that which, under present circumstances, would be sought for through a most favoured nation clause, for the produce of the two countries. ["Hear, hear," *from the Opposition.*] He repeated, an effect analogous, but yet very far from being the same—so far from being the same, as to be quite incapable of being transferred, bodily as it were, in the way the noble Lord proposed, to circumstances and a course of legislation so materially different—even without any reference to the proof he had given, that the force of the Treaties in question was not the same as it originally was. But, adverting in part, to the true construction of the Treaties as he had explained it—in part to the fact, that in some degree those Treaties had been set aside by both par-

ties, their effect was—as he had in a preceding part of his observations contended—to assert generally, the principles of amity and of fair and equitable dealing between the two countries, and to impose upon both, as he thought, an honourable obligation to proceed to the formation of a new engagement, founded upon principles of reciprocity and equality in all points; unless when there might be urgent cause for introducing any special exception. He would not enter upon the question of policy. He would deal simply with the arguments affecting the construction and the vitality of the Treaties, leaving it to others to enter upon the policy of the question. Besides what he had already conceded, he would grant also, (and this he regarded as the weakest part of the case,) that it was true, that upon several occasions this country had demanded of Spain the recognition of our right to be treated on the footing of the most favoured nation. Such a demand was made by Mr. Bulwer perhaps, certainly by Mr. Aston. Mr. Bulwer made a demand on the Court of Spain that British ships should be placed on an equality with the vessels of France. But he would not admit, that ships were to be considered with reference to the present question, precisely in the same light as produce. There could be no British ships which were the property of other than British subjects. The law required that such should be the condition of being admitted to British registry. But when it was attempted to demand the equality of British ships with those of the most favoured nations in Spanish ports, it was quite clear to him that such a demand could not be enforced under any existing Treaty with Spain; and he must say, he thought the instructions given by the noble Lord in this respect were most extraordinary to be issued by a Foreign Secretary, who must, of necessity, have known that there were differential duties established in England, and at that moment levied on the vessels of Spain, and on all foreign vessels which did not enjoy some peculiar exemption, by Treaty or otherwise. But neither the demand made by Mr. Aston, nor that put forward by Mr. Bulwer, was granted by the Spanish Court, nor had it ever been conceded since; indeed, he might say, it had never since been repeated. But, because the British Government thought proper in the year 1837, or 1840, to deviate from its own invariable line of conduct, adhered to during a period of nearly 200 years, and made a claim which ought not to have been made, and which could not be justified under the existing Treaties—was that circumstance to overrule and to render null such facts and such arguments as he had advanced? Was it, he asked, to be said, that one party to a Treaty was to be permitted to refuse everything stipulated for under that Treaty up to the year 1845, and then to be at liberty to enforce those stipulations in a sense quite opposed to the construction which they had always previously held? It was true, Mr. Bulwer did not peremptorily claim to have his demands conceded. He simply made a request to have British ships put upon the same footing with French vessels; but what he (Mr. Gladstone) contended for was, that whatever his recent demand might have been, and however erroneously made, if made upon the supposed ground of a right under Treaty, it was utterly impossible to set aside the facts to which he had referred; whereby it was clearly and completely shown that both parties had acted upon the same construction of the Treaties in an opposite sense. He now came to his third proposition, that the produce of the Spanish Colonies could not fall within the scope of the Treaties for the purposes of this Motion. The noble Lord had argued, that the policy of Spain had been to secure for her colonists a privilege, or, at least, to exempt them from a prohibition, affecting the subjects of Spain in the mother country; that the Treaty did not prevent the subjects of Spain from sailing from Cuba to England. [Viscount *Palmerston:* I said they were included in the general admission of the Treaty of 1667, and not excluded by that of 1670.] Now, if the noble Lord referred to the Eighth Article of the Treaty, he would find that the West Indian Colonies were excluded, though rather in an indirect way. As to the Treaty of 1670, the noble Lord quoted an Article from it as to the exclusion of the West Indian Colonies. Now, he confessed that he was not prepared, in his own individual judgment to maintain Lord Aberdeen's position, precisely as he found it in the letter to the Duke of Sotomayor. The noble Lord said—

"While, therefore, the Treaty of 1667 gave generally to the subjects of Great Britain and Spain, respectively, the privileges of the most

favoured nation, the trade belonging to the West Indian Colonies of the two countries was expressly excluded from the enjoyment of the privileges so conferred. Subsequently to the conclusion of the Treaty of 1670, all trade with the West Indian Colonies of Great Britain was prohibited to the subjects of Spain, nor could the produce of Cuba and Porto Rico have found admission into English ports, inasmuch as the Navigation Law then in force would have prevented its importation in any other than British ships; while the Treaty of 1670 prevented its conveyance from Cuba by those British ships which alone could legally import it. Hence it follows that, admitting that the Treaty of 1667 conferred upon the subjects of Spain the position of the most favoured nation in British ports, yet that privilege could not, subsequently to 1670, have belonged to Spanish West India trade, because, under the terms of the Treaty of 1670, such trade could not have been carried on with British ports."

He confessed that, when Lord Aberdeen argued that that was conclusive, it did not quite satisfy him; because, supposing there was no dispute as to the question of "subject or produce," and supposing, for argument' sake, our navigation laws were abolished in favour of Holland, and that Java sugar came to us from Amsterdam, it was very questionable whether Spain would not be entitled to ask that her Cuba produce should be admissible from Cadiz. But with regard to the noble Lord's interpretation, it filled him with astonishment; for surely nothing could be more distinct than the Eighth Article of the Treaty:—

"The subjects and inhabitants, captains, masters of ships, mariners of the kingdoms, provinces and dominions of each confederate respectively, shall abstain and forbear to sail and trade in the ports and havens which have fortifications, castles, magazines, or warehouses; and in all other places whatsoever possessed by the other party in the West Indies, to wit, the King of Great Britain shall not sail unto, and trade in, the havens and places which the Catholic King holdeth in the said Indies; nor in like manner shall the subjects of the King of Spain sail unto, or trade in, those places which are possessed there by the King of Great Britain."

The noble Lord's argument was, that the inhabitants of the Spanish West Indies had the power, under the Treaty, of coming here. Did he mean to contend that the inhabitants of Cuba should enjoy an advantage not possessed by the mother country? But his argument was, that however they disposed of the questions of subjects and commerce, and whether it were true or not that Spain had a fair claim to ask for the admission of Cuba sugar through Cadiz, supposing we admitted Java sugar through Amsterdam, still an absolute and unfettered control over the trade and commerce between England and the Spanish West Indies was reserved by the Treaty of 1670, which the noble Lord forgot or omitted to refer to. By the Ninth Article of the Treaty of 1670 it was provided—

"That if at any time thereafter, either King should think fit to grant to the subjects of the other any general or particular license or privileges of navigating to, and trading in, any places under his obedience, the said navigation and trade should be exercised and maintained according to the form, tenour, and effect of the said permissions or privileges to be allowed and given."

Giving any construction to the question of "subjects," and allowing "subjects" to involve "produce," it was impossible to deny that the control of the trade between Cuba and England included that produce of Cuba which formed the whole subject-matter of the trade. Here was an absolute control with respect to the conditions on which each Power might think fit to grant to the other a right to trade with its Colonies: and we had it in our discretion alone to grant to Spain just as much and as little of that Colonial trade as we pleased, and to fix any duties we pleased. The noble Lord must have overlooked this Article; otherwise it was so material that he would have seen it was not perfectly straightforward to omit it. The Eighth Article was not left to stand alone; but, to obviate mistake, it was followed by another which added, with respect to the Colonial trade—which was interdicted for the present—that if at any time it should be given, it should be under such laws as each Power in its free discretion should think fit to assign. The sugars brought from Cuba to England could not be separated from the trade between Cuba and England; and the power to regulate the trade between them must enable us to determine what duty should be paid. But the noble Lord said, that the navigation laws prevented all trade with Cuba at that time: that, however, was not the case; the produce might have come in British ships. The plain language, however, defied misconstruction, either at the hands of a pettifogging village attorney, or (which was much more formidable) an ex-Foreign

Secretary. In the Treaty of 1814, the two Powers again came in contact; and Spain yielded to England, then her liberator, he apprehended, on account of the peculiar relative position of the two countries, a valuable privilege without an equivalent. She undertook, that if at any time the American Colonies should be opened to other countries, England should have as great benefit therefrom as any other Power. That was perfectly a one-sided engagement. And here he must say he could not concur in the optimising views of the noble Lord as to England's rejection of any exclusive advantages. He could not take credit for the moderation of England, when he often saw she engrossed great advantages. But it was impossible to think that she preferred a request which, according to the noble Lord's argument, was mere surplusage. Now he maintained that, according to every rational supposition, and according to the Treaty of 1670, Great Britain was not, as to her Colonial trade, put on the footing of the most favoured nation until 1814; and it followed that Spain had no claim to have her Colonies so treated up to the present moment. Now he came to one of the last proofs which he should adduce. The noble Lord said, it devolved on his side to prove that Spain was now treated on the footing of the most favoured nations. In the first place, the privilege as to Colonies was granted to us in 1824; we did not give similar privileges until 1828. Did they suppose it took four years to determine whether we should allow Spanish ships to trade to our Colonies? No; we granted the privilege, not as an obligation imposed by Treaty, but as an independent act of our own discretion, as an act of fairness and equity. By the Order in Council it was apparent that this privilege was not granted to Spain alone, but to her in common with other nations; for in the recital it was said that our Colonies should be opened to those countries which had opened theirs to our traders. The Order in Council, dated April the 28th, 1828, ran as follows:—

"Whereas the conditions mentioned and referred to in the said Acts of Parliament have not in all respects been fulfilled by the Government of His Most Catholic Majesty the King of Spain; and, therefore, the privileges so granted as aforesaid by the Law of Navigation o foreign ships cannot lawfully be exercised or enjoyed by the ships of Spain, unless His Majesty, by his Order in Council, shall grant the whole or any of such privileges to such Spanish ships. And whereas His Majesty, by and with the advice, &c., doth deem it expedient to grant the privileges aforesaid, in certain cases, to ships of the dominions of His Most Catholic Majesty the King of Spain, His Majesty doth therefore, by the advice aforesaid, and in pursuance, &c., declare and grant that it shall and may be lawful for Spanish ships to import into any of the British possessions abroad, from the Colonies and foreign plantations of His Most Catholic Majesty, goods, the produce of those Colonies and possessions, and to export goods from such British possessions abroad, to be carried to any foreign country whatever."

This had no reference to obligation or Treaties; and the privilege conceded was not a general privilege to Spanish ships to sail to British Colonies, but only from the Colonies and foreign possessions of Spain. But at that time there were in existence Orders in Council, granting to other European Powers the privilege of sailing from Europe to the British Colonies, and carrying on the European trade with them. There was such an order in the case of Prussia, issued in 1826; and orders had been issued since, even under the noble Lord's Administration, granting to other countries greater privileges with regard to the Colonial trade than Spain ever had, or now possessed: for instance, to Hamburgh, to Denmark, to Sweden, to Austria, was granted the privilege of trading with our Colonies from Europe. Upon the whole, here was a mass of circumstantial evidence which must remove any *primâ facie* impression to the contrary, which might arise, and which, he was free to confess, in his mind had arisen upon his first cursory examination of the Treaties. The obligation of these Treaties—and he wished that obligation to be estimated, not as it might stand with a political party, for its own purposes, but as it would stand before a solemn tribunal of jurists—could no longer be deemed so fresh and so entire as to justify the one Power in making absolute demands upon the other, in respect of each and every provision that they contained; and though demands had been made by ourselves (and he thought improperly), they had not been granted by Spain, nor had we enforced them, But even if they were as much alive as on the day when they were reduced to writing, they d d not contain what the noble Lord supposed; and he had shown by laws and Treaties of

every form and age, spreading over the whole stream of history, and applicable to both Powers, that the noble Lord's construction was contradicted by practice, while it would also have been irrational with reference to the course of legislation and of trade. And, lastly, notwithstanding the disadvantage occasioned by the demand made by the noble Lord (which the acts of his Government were all the time contradicting), the stipulations could not be shown to have the smallest reference to the trade which might be carried on between Great Britain and the West Indian possessions of the Spanish Crown, because over that trade an entire discretion was preserved; and though it was a good rule to resolve against ourselves any doubt which might arise, and if, consequently the foregoing arguments should be waved, the question of the trade with the Colonies, and of the produce when it went to constitute that trade, was clearly and entirely under our control. He had not knowingly passed by any fact bearing upon the case; and he now commended that case to the judgment of the House, with confidence that whatever might be the first appearance of this matter to those who were content to look at some passage quoted in the public journals, yet if he could only secure a deliberate attention to all the particulars which entered into the material of a just judgment, there was not the slightest cause to fear the issue at which the judgment of the British House of Commons would arrive; and that national faith, for which the noble Lord was so tenderly considerate, would be seen to be as safe, with reference to the question now before that House, in the hands of Her Majesty's Government, as it had been at any former period of our history.

Mr. *Labouchere:* When the right hon. Gentleman promised to speak at length on such a subject as that, it was impossible, from his known character, not to anticipate a speech of ingenuity and ability; but he must be permitted to say, that if the right hon. Gentleman had had greater confidence in the strength of his case, he would have considerably shortened his speech. At all events, he should illustrate the soundness of his views, by making a much shorter speech. And he could not believe that to come to a just decision on a question of this kind, it was necessary to dwell on the nice and intricate points which the right hon. Gentleman had discussed. He must remind the right hon. Gentleman of the declaration which he made towards the close of his speech, that any plain man reading the terms of those Treaties (which Lord Aberdeen and his Colleagues admitted to be valid once, and as regulating the commerce of Spain), must say, that the claim of Spain was founded in justice. [Mr. *Gladstone;* I said a plain man might in ignorance so construe it.] It certainly took you a long time to combat the "plain man's" conclusion. It would, indeed, be an unfortunate thing for nations if their meaning could not be interpreted from their communications with each other, unless distilled through the mass of historical references through which the right hon. Gentleman had waded. But the right hon. Gentleman said, if they consulted history, the meaning of these Treaties would be found very different from what it appeared. He should not go back even to Mr. Pitt's time; but he asked, what was the nature of the Treaties approved of by the Government of which the right hon. Gentleman held the office of President of the Board of Trade? He referred to the demand made in July, 1842, by this country, founded on the Treaty of 1667, to be put on the footing of the most favoured nation in the ports of Spain. He would read the letter of Mr. Aston to the Spanish Minister on the subject, and the expression of approval by the Earl of Aberdeen, and the House might then judge what construction had been put by Her Majesty's Government on this very Treaty, so late as the year 1842, and how it was to be reconciled with the interpretation they at present advocated. On the 3rd of July, in that year, Mr. Aston addressed the following despatch to Count Almodovar, the Spanish Minister:—

"*Madrid, July* 3, 1842.

"Sir—In pursuance of instructions from my Government, I addressed two representations to the Spanish Government, the first on the 29th of April, 1841, the second on the 2nd of January, 1842, respecting the injurious effect produced upon the British linen trade by the high rate of duties imposed upon that article in the Spanish Tariff, which amount almost to a prohibition of the importation of British linen into Spain. To these representations I have not, hitherto, received a definitive answer.

"I consider it the more necessary to call your Excellency's attention to this subject, since it appears probable that the Spanish Go-

vernment will shortly obtain from the Cortes the necessary authority for the revision of the existing Tariff; and it is my duty to state to your Excellency, that in any reduction which may be in contemplation of the actual duties upon foreign linens, Her Majesty's Government will justly expect that British linen shall be treated as favourably as the same article, the manufacture of any other country.—I have, &c.

(Signed) "ARTHUR ASTON."

Mr. *Gladstone:* I did not say that that demand was made under the Treaty, but that the demand which the noble Lord made through Mr. Aston on the Spanish Government was made under the Treaty.

Mr. *Labouchere* scarcely supposed the right hon. Gentleman would resort to an unworthy ambiguity. When the British Minister at Madrid was instructed to press this demand on the Spanish Government, it must have been founded on the existing Commercial Treaty between the two Governments. Lord Aberdeen's letter was as follows:—

"*Foreign Office, Aug.* 15, 1842.

"Sir—With reference to your despatch of the 16th ult., I have to acquaint you that Her Majesty's Government have approved the note which you addressed to the Spanish Minister for Foreign Affairs, stating that if the Spanish Government should reduce the duty upon any foreign linens, Her Majesty's Government will expect that the same reduction shall apply to British linens.—I am, &c.

(Signed) "ABERDEEN."

He thought these despatches offered sufficient proof to the House that when it was convenient, and suited the purposes of the Government of this country, to put a more strict interpretation on these Treaties, they were not considered to be so confused, so obsolete, such a mass of rubbish, that there was no making anything of them; but Government found in them a distinct principle, importing that England had a right to be treated, with respect to duties on goods, on the footing of the most favoured nation. The right hon. Gentleman, in the course of his speech, made an admission which he (Mr. Labouchere) thought was one of great importance, that if you looked not to the strict letter of those Treaties, nor to particular infractions of them which had taken place since they were formed, but to the analogy of the case, and the spirit of the contracting parties when the Treaties were made, and applied it to the present state of things, this was more hard to defend than any other part of the subject. That was exactly what he contended for; that we ought to look at those Treaties, not in a spirit of cavil, but with a view to see what was their true spirit and intention. If they were to be carried into effect at the present day in the same spirit in which they were framed, we must give to Spain those advantages which we concede to every other foreign country, as far as could be practically effected. Doubtless these Treaties were full of confusion as applied to the circumstances of the day; the whole trade of the world had been changed in its course—but still the principle held good. There were some facts, notorious to all the world, which the right hon. Gentleman had omitted to mention, which showed that the two Governments had been inclined to carry that principle into effect. Spain was long anxious to exclude all nations from her Colonies—it was a capital principle of the old Spanish policy, which had such fatal effects on her prosperity and greatness—but there was one exception, that of the Asiento Contract, which opened to England a direct trade in slaves to the Spanish Colonies; and, indirectly, a large smuggling trade. By the Treaty of Utrecht, in 1713, this Assiento, which before had only been enjoyed, he believed, by the subjects of France, was granted to the subjects of England. The right hon. Gentleman had fallen into the fallacy which he thought too much pervaded the letter of Lord Aberdeen, of treating those rights too much as if they were specific and absolute rights given to the subjects of each country, and not relative rights of being placed on a footing of equality with any other foreign nation whatever. There was one part of the subject, to his mind, infinitely more important than the whole technical construction of those Treaties, of which the right hon. Gentleman had deprecated the discussion, but which the House would ill discharge its duty to the public, if they were not to consider on the present occasion; he meant, not merely the strict technical right which Government might or might not have had to refuse the claims of Spain, on which he admitted there might possibly be a difference of opinion; but that on which he thought there could be no difference of opinion, the policy and propriety of the part Government had acted in this matter. On this view of the subject he must say that he had never

listened to any speech in that House with such painful feelings as to that of the right hon. Gentleman. The feeling which rose in his mind was, what an opportunity you have thrown away. There was Spain, not urging you at the point of the sword, as the right hon. Gentleman supposed, but by diplomatic and friendly methods, to form those very commercial engagements with you to which you should have been anxious to urge her. Spain asked you to convert those commercial stipulations which you complained of as difficult and unintelligible, into clear and advantageous commercial compacts, by which both countries might profit. Then as to the sacrifices we were making to carry out this policy of the Government. The right hon. Gentleman said, do not discuss this subject; but discussed it would be in that House so long as the monstrous policy of the Government was continued. Self-imposed sacrifices for great objects were respectable things; but to make great sacrifices for no object, or one so flimsy that the boldest of the supporters of Ministers, who would swell their majority to-night, could not think of the pretence without a smile, was ridiculous. With what object were we to make the sacrifice consequent on a disturbed state of our commercial relations with Spain? As his noble Friend had remarked, by this interpretation they had completely untied the hands of Spain. What right had we to complain if she to-morrow imposed discriminating duties adverse to our manufactures, and favourable to those of France or any other country? Do not let us deceive ourselves with the idea that Spain will not have it in her power to inflict a very heavy blow. He admitted that foreign trade with that country was almost entirely a smuggling trade, and that the duties were merely nominal; but Spain might adopt a system of reasonable duties, and if she accompanied that by discriminating duties unfavourable to us, we could not complain of the retaliation. He would not dwell on the consequences produced by a similar policy in Brazil. Not a post which did not bring accounts of the position in which our merchants were placed, in consequence of the all but stoppage of our commercial relations with that country, of the vexations to which they were exposed, of the hostility generated in the Legislature and people of that country by our conduct. By the last accounts it was daily expected — if the thing had not already happened — that the Brazilian Chambers would actually adopt differential duties against British manufactures. We were told that these sacrifices were made for an object dear to the British people—for the sake of discouraging slavery and the Slave Trade. He would defy any man who had looked into the subject, to say that the consequence of the policy Ministers pursued, was to prevent a single slave the less from being carried across the Atlantic, or to discourage, even in the slightest degree, slavery, as contrasted with free labour, in the cultivation of foreign sugar. When the Ministerial measure of last Session was proposed, they (the Opposition) had foretold that it would be vain for the purpose Ministers professed to have in view; and these predictions had been fulfilled. They were then told, that as the price of free-labour sugar must rise, from the increased demand for it, the sugars of Cuba and Brazil would be brought concurrently into the Continental markets, and supply the vacuum caused by the increased consumption of free-labour sugar. If they had at all succeeded in their object of encouraging free-labour sugar, of course this would be shown by the price. What had been the fact? He asserted that there never had been, since that Act passed, any appreciable difference between the prices of certificated foreign and free-labour sugar in bond in this country; and the price of sugar, the produce of Brazil or Cuba, of the same quality equally in bond in this country. If that were so, really the bubble had burst. The man who would contend, that by their present policy they were, even in the slightest degree, discouraging slavery, or encouraging free labour, must be prepared to contend that Euclid was a book replete with fallacies and falsehoods. It was most mortifying to witness the spectacle of a British Ministry, and one, too, who plumed themselves on the encouragement of commerce, calling on the merchants of this country to submit to the greatest sacrifices; first, from the suspension and loss of the Brazilian trade; next, from the contingencies of the commercial warfare into which we were entering with Spain, and all for no object in the world. He said for no object; but he was afraid there was one: he had lately met with a paragraph in one of the leading Colonial journals, the *Ja-*

maica Morning Journal, which proved that the colonists were beginning to see through this transparent delusion. It was as follows:—

"A law is passed, which, although it affects to confine the competition to the produce of free labour, merely alters the destination of slave-grown sugar in some cases, and in others brings it into immediate competition with the free-grown sugar from the Colonies. After the admission of American slave-grown sugar into the home market, we can perceive no valid reason why that of Spain or the Brazils should be excluded. Indeed, it is manifest that having thrown principle overboard, the Government only exclude these sugars for the purpose of securing all the advantages they can from those countries in a commercial point of view. It is not from any desire to serve the Colonies that Brazilian sugar is not now admitted in the same manner and on the like terms as the sugar of Louisiana."

He believed the motive assigned in this passage paid infinitely too high a compliment to the wisdom of Her Majesty's Government; the truth was, that all those difficulties and embarrassments were the price they were called upon to pay for the course which the present Ministers, when in opposition, found it convenient to pursue with a view to their own party ends. He thought it most unfortunate that a Government which had shown no very great inflexibility of purpose with respect to most subjects, and discarded, one after another, most of the instruments they had made use of to obtain the seats of power, should have selected this one, the most feeble of all the weapons they employed, and certainly the most indefensible in argument of all the courses they had pursued, and have clung to it with such desperate fidelity. Although agreeing generally with his noble Friend, that the spirit of the Treaty would require us to accede to the demand of the Spanish Government; yet, at the same time, he had no earnest desire to rest his vote on that view. Even if he entertained a doubt on that subject, he should still think that, in the present state of affairs, it was the duty of that House to interfere; and, after the experience they had had of the consequences which the Ministerial policy had produced on our commerce with Brazil and Spain, to insist on the necessity of their adopting a course more in consonance with the commercial interests of this country, and with the principles of justice and common sense. He could not help thinking highly enough of the patriotic principles of the right hon. Gentlemen opposite to believe that they would not be unwilling to have a little gentle compulsion put upon them by the House, and to be told that the policy they had recommended having proved a complete and palpable failure as to the discouragement of slavery and the Slave Trade, it was time to restore us to our former footing in our relations with Brazil, and especially to embrace the opportunity now thrown out of placing our commercial relations with Spain on a sound and intelligible footing.

The *Attorney General* said, when the right hon. Gentleman who had just sat down, had risen after the right hon. Member for Newark, he supposed he was proceeding to discuss the matter under consideration of the House. He understood that they had been invited by the noble Lord who opened this debate to consider the interpretation of the Treaties existing between this country and Spain, on which it was said this claim was put forward. The right hon. Member for Newark had discussed the questions arising out of the Treaty point by point; but the right hon. Gentleman opposite entirely abandoned this ground, and, flying off from the true issue, endeavoured to divert the attention of the House to questions of policy and expediency. He must be permitted to assume that the arguments of the right hon Member for Newark were unanswerable; because if any answer could have been given, it would have been afforded by the right hon. Gentleman who had just addressed the House. They were not there to inquire into the questions opened by the right hon. Gentleman opposite, but to inquire as to the construction of Treaties and the interpretation of compacts between this country and Spain. The latter country, it had been shown, had not regarded those Treaties in the light contended for on the other side. She only sought now, by this peculiar mode of interpretation, to secure the admission of sugar from her own Colonies of Cuba and Porto Rico, on the footing of the most favoured nation. He should confine himself strictly to the question before the House, whether the Foreign Office had put the correct construction on the Treaties with Spain. There were no rules of interpretation applicable to a private agreement between individuals, which did not also apply to the case before them. The only difference was, that

in the case of a private agreement, they could not pray in aid any other agreement, for the purpose of establishing the interpretation, but must construe it by itself. With respect to Treaties, however, which were matters of public notoriety, and were frequently made the basis of new Conventions, other agreements might be referred to, in order to arrive at the true interpretation. In explaining the Treaties of 1667 and 1713, it would not do to look only to the words, and to overlook all that had occurred in the intervening period. He admitted, with his right hon. Friend, that if any well-meaning ignorant man were to look only at the words, he might be disposed to put on them the interpretation contended for by Gentlemen opposite; but they must look at the circumstances under which the Treaties were made, the state of commerce at that day, the conduct of the parties after the Treaty was made, in order to be in a proper condition to come at a true interpretation. The distinction between persons and produce was clear and intelligible; it was made the ground of the construction for which he contended; it was founded on the state of trade and commerce as explained by his right hon. Friend; it was a construction on which the parties themselves had acted. The Second Article of the Treaty of Utrecht referred to persons, subjects of any of the two States, resorting or trading to th ports of the other, not to persons residing within the dominions of either Power, and being producers or manufacturers there. It referred to the persons, not to their produce. He said this was not a narrow and technical construction, but a legitimate one, accommodated to the circumstances of the time, and borne out by Treaties contemporaneous or subsequent in date. Provisions affecting subjects, but not extending to produce, had been inserted, for example, in the Treaty of Munster between the Netherlands and Spain, to which reference was made in the Treaty of 1667. He would beg to call the attention of the House to the Treaty between the Netherlands and Spain, executed in June 1740. They would find that the words of that Treaty were precisely identical with the terms of the Treaty of Utrecht, made in 1713, on which the question which had been brought before the House arose. The argument of the noble Lord was, that that Treaty of Utrecht referred to produce as well as to subjects. Now, he begged to deny the accuracy of that construction altogether; and he would rely on the Treaty of 1740, to which he had just alluded, as a proof that these Powers, namely, the Netherlands and Spain, regarded the Treaty in the light in which he viewed it, although, as he had already mentioned, it contained the very terms of the Treaty of 1713. If the argument of the noble Lord were well founded, the subjects of the Netherlands could not be liable to pay greater duties in respect to their goods imported into Spain, than the Spanish merchant paid for the goods which he imported; but that would evidently imply an absurdity. The object of the Treaty, as he apprehended, was, that the subjects of both these States should not be liable to pay higher duties within the particular countries, than the subjects of those countries. But he would show them that in a Treaty, almost contemporaneous with the one which they were called upon to construe, a distinction was made between subjects and goods. By the Tenth Article of the Treaty with France, it was provided that the duties on tobacco imported into France shall be reduced to the same moderate rate as the duty on the said tobacco which would be paid on importation to any other country in America or Europe. He alluded to this fact to show, that even at that time the distinction between persons and goods or merchandise was fully understood. He might be permitted to add to these instances the Treaty with Portugal of 1810, which had been quoted by his right hon. Friend (Mr. Gladstone), by the Third Article of which the same rights, immunities, and privileges were secured to the subjects of each nation, that were or might be hereafter granted to the subjects of the most favoured nations. Any one comparing that Article with the corresponding Treaty of Utrecht would find that the terms were just as large in the one as in the other; and yet, in the Treaty of 1810, were the words considered to be sufficient to cover produce of these States? Certainly not. The House would find that by the Nineteenth Article of the Treaty, express provision was distinctly made with respect to the duties to be paid on the produce of the two countries reciprocally, irrespective of the provisions of the Third Article; which were meant to refer to persons only. That Article said—

"His Britannic Majesty does, on his part, and in his own name, and in that of his heirs and successors, promise and engage that all

goods, merchandise, and articles whatsoever, of the produce, manufacture, industry, or invention of the dominions or subjects of His Royal Highness the Prince Regent of Portugal, shall be received and admitted into all and singular the ports and dominions of His Britannic Majesty, on paying generally and only the same duties that are paid upon similar articles by the subjects of the most favoured nation."

This would show the legitimate interpretation of the Treaty of Utrecht, when a separate Article was considered necessary in favour of the produce of the countries, after a very strong clause had been previously inserted in favour of the subjects. All these facts went to prove most strongly, according to his judgment, that there was a distinction perfectly well understood and recognised between States as to the separate interests of subjects and of goods. But it was said that they were inconsistent in their conduct as regarded the construction of these Treaties with Spain—that they admitted the slave-grown sugars of the United States and of Venezuela, while they refused to admit the produce of the Spanish Colonies, though the latter were entitled to be placed upon the same footing as the most favoured nations, according to the same construction of the Treaties. He entirely denied that the Treaties with Spain were to be regarded in the same light as those between this country and the United States and Venezuela, and also as the Treaties with Columbia and Mexico. These four Treaties were all in precisely the same terms, and were very different in their provisions from the Spanish Treaties. If the House would permit him, he would wish to call their attention to the Treaties between Great Britain and the United States, which had been made the model for the other Treaties to which he had alluded. By the Second Article of the Treaty of 1815, it was provided that—

"No higher duty or other duties shall be imposed on the importation into the territories of His Britannic Majesty in Europe of any articles, the growth, produce, or manufacture of the United States, and no higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture of any other country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to His Britannic Majesty's territories in Europe, or to the United States, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles, the growth, produce, or manufacture of the United States or of His Britannic Majesty's territories in Europe, to or from the said territories of His Britannic Majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations."

Now, if the House would permit him, he would take leave to refer back for a moment to the terms of the Treaty of Utrecht. The Article of that Treaty was as follows:—

"The subjects of their Majesties, trading respectively in the dominions of their said Majesties, shall not be bound to pay greater duties, or other imposts whatsoever, for their imports or exports, than shall be exacted of, and paid by, the subjects of the most favoured nation; and if it shall happen in time to come, that any diminution of duties or other advantages shall be granted by either side to any foreign nation, the subjects of each Crown shall reciprocally and fully enjoy the same. And it has been agreed, as is abovementioned, concerning the rates of duties, so it is ordained as a general rule between their Majesties, that all and every one of their subjects shall, in all lands and places subject to the command of their respective Majesties, use and enjoy at least the same privileges, liberties, and immunities, concerning all imposts or duties whatsoever, which relate to persons, wares, merchandise, ships, freighting, mariners, navigation, and commerce, and enjoy the same favour in all things, as well in the courts of justice as in all those things which relate to trade, or any other trade whatsoever as the most favoured nation uses and enjoys, or may use and enjoy for the future, as is explained more at large in the Thirty-eighth Article of the Treaty of 1667, which is specially inserted in the foregoing Article."

He had no hesitation in saying that if he were to look only to the construction that was to be put upon the words of these two Treaties, he would come to precisely the same conclusion to which the Foreign Office had arrived, and that, too, without reference to the conduct of the parties, or to any other circumstances whatever. But without going that length, he would maintain that having regard to the conduct of the parties, it was not at any time understood that the produce of those countries was to be put upon the same footing as that of the most favoured nation under these Treaties. He wished incidentally to allude to what his right hon. Friend had stated of the Treaties being

probably not now on the same footing as they had formerly been. Whether they regarded the conduct of the countries, the construction that might have been put upon the Treaties, or some violation of their integrity, it was quite possible that the Treaties might not now be considered as subsisting in their full force. He made this allusion out of deference to the argument of his right hon. Friend (Mr. Gladstone); but at the same time he did not think it at all necessary to rely upon that point in coming to a decision on the question before the House. The Treaties of 1667 and 1670 were confirmed by the Treaty of 1713, and these were all confirmed by the Treaties of 1763 and 1783. In the Treaty of 1814 the commercial relations between the two countries were to be established; and in reference to it, the previous Treaties might fairly, he thought, be considered as still existing, and might be properly looked to in interpreting the nature of these relations. He would endeavour to deal, very shortly indeed, with the question of the Colonies; and here he had to express his regret, that his right hon. Friend had not taken the same view which he was disposed to adopt. In his opinion the Colonial trade was entirely struck out of the Treaty of Utrecht. He considered the object of the Eighth Article of the Treaty of 1670 to be to prohibit entirely the trade with the Colonies. That trade was excluded, not only by the Eighth, but also by the Ninth Article of the Treaty, and was, in his opinion, thus intended to be kept entirely in the hands of the Sovereigns of the two States. In the Treaty of Peace of 1713 there was an express prohibition of any guarantee to France to trade with the Colonies. Therefore, taking all the Articles of all the Treaties together, the construction which he was disposed to place on them was, that the Colonial trade was, as it were, struck out of the Treaties, and was intended to remain entirely and exclusively attached to the mother country. Now, by the Fourth Article of the Treaty of 1814, it was provided that in the event of the commerce of the Spanish Colonies being opened, the subjects of His Britannic Majesty were to be permitted to trade to them on the terms of the most favoured nation. He would admit that there was no reciprocity in that arrangement, as it conferred a benefit only on one side; but on that very ground he considered it as strengthening his construction of the prior Treaties. In construing Treaties, they should have regard to the conduct of the parties; and in this view also his argument was borne out by the fact. In the year 1824, when the trade with the Spanish Colonies was opened, the advantage was not conferred on Great Britain alone, but on all nations indiscriminately, and without reference to any particular Treaty; though, according to the argument of the noble Lord, Great Britain would have had a right to challenge the opening of that trade to her commerce by virtue of existing Treaties. He had endeavoured to compress his arguments within the narrowest possible compass; and he trusted he had not trespassed too far upon the indulgence of the House. He would admit, that in construing Treaties with other countries, they should have regard to good faith, and should observe a true and just interpretation of their provisions; but it appeared to him that they would violate all the fair rules of construction, if they came to the decision for which the noble Lord contended.

Mr. *F. T. Baring* said, he felt strongly the inconvenience of trespassing upon the House at that late hour; but he could not so far forget his character as to appear to be influenced in the vote which he was about to give by mere party purposes. He agreed with the hon. and learned Gentleman who had just sat down, that no question of policy should persuade them to give up the real and just construction of the Treaty. But he also thought that when Spain called upon them to adopt her construction of the Treaties, it was worth their while to consider whether that construction was a fair one towards themselves. He thought that when the subject became a question for a long State Paper, it should become a consideration whether Spain was not offering to them what they should be of all things in the world most anxious to receive from her. He admitted the talent of the speech of the right hon. Gentleman, who indeed never spoke without manifesting great ability; but he set aside entirely the whole argument of Lord Aberdeen. The argument of the right hon. Gentleman was altogether contrary to the argument of Lord Aberdeen. The right hon. Gentleman indeed said, that he did not adopt the argument as put in Lord Aberdeen's letter; and the hon. and learned Gentleman who had just sat down differed from the right hon. Gentleman, and he also did not adopt the argument of Lord Aberdeen. The right hon. Gentleman wished to show that the ancient Treaties with Spain had ceased to exist. If they

did not exist, what then was the use of inquiry about them? Now, Lord Aberbeen said that they did exist. The right hon. Gentleman admitted that there was a severe strain on his argument by these Treaties; he therefore denied that they now existed. He subsequently added that they did not exist to the extent of the terms, and therefore they were entitled to this interpretation of them. The only limit to this, then, was the law of the strong man, who said that he would fix his own interpretation on them. The right hon. Gentleman, when he came to the conclusion of his speech, said that the Treaties did not exist entirely. He added that he did not know what had been done away with, and what had not; it therefore was hardly possible to meet him on the point. It was very well for the right hon. Gentleman to say that they did not exist; but the matter, as between nations, must be determined by Lord Aberdeen's letter. Lord Aberdeen admitted that the Treaties existed, and did not venture to say that they had been abrogated; therefore the whole language of the right hon. Gentleman, on this point, was immaterial. In the main question, Lord Aberdeen said, that there were two grounds involved in the question—the Colonial ground, the argument with respect to which was well known; and the next ground was the difference between persons and produce. And upon this point, he was surprised to find that the hon. and learned Gentleman who had just spoken, and who had been the organ of the Government in this debate, had taken a different ground from that adopted by Lord Aberdeen. Lord Aberdeen made the admission, that the Treaty of 1667, was a general Treaty; this the hon. and learned Member did not admit, or that it involved anything respecting the most favoured nation clause. He would now read the words of the letter:—

"Admitting that the Treaty of 1667 conferred upon the subjects of Spain, the position of the most favoured nation in British ports, yet that privilege could not, subsequently to 1670, have belonged to Spanish West India trade, because, under the terms of the Treaty of 1670, such trade could not have been carried on with British ports."

Again, Lord Aberdeen stated—

"While, therefore, the Treaty of 1667 gave generally to the subjects of Great Britain and Spain respectively the privileges of the most favoured nation, the trade belonging to the West Indian Colonies of the two countries was expressly excluded from the enjoyment of the privileges so conferred."

Lord Aberdeen, therefore, admitted that the Treaty contained a full and general clause; but that the effect of the Treaty of 1670 was to draw both countries from mutual Colonial trade. Therefore, he started with the proposition that all depended on the legal interpretation of the Treaties; and as to how far the Treaty of 1670 affected that of 1667, the subsequent passage read—

"As far as not repugnant with the Articles in the latter Treaty."

The prohibitory clause prevented all trade with the West Indies, and gave powers for the purpose of future regulations. This was perfectly consistent with the principle that this negotiation should be subordinate to the principle of the most favoured nation. There was nothing repugnant in giving this power to Spain, or inconsistent with the clause in the former Treaty. By the most favoured nation clause they did not say a nation must create a trade; but if it did, the trade should be put in the construction of the clause. It was consistent with this that the whole of the West Indies might be excluded. So far, then, as they kept up the prohibition in the Colonies from trading with all foreign countries, they persisted in adhering to the most favoured nation clause. It gave the power to England and Spain reciprocally to regulate the trade, always subservient to this principle. He would show, however, that the Government admitted the most favoured nation clause. They did so by the Treaty of 1814, by which they admitted that—

"In the event of the commerce of the Spanish American possessions being opened to foreign nations, His Catholic Majesty promises that Great Britain shall be admitted to trade with those possessions as the most favoured nation."

Now, within a month afterwards, it appeared that the old Treaties were not in force, although Lord Aberdeen seemed to think that they were. Within two months of the former Treaty, additional Articles were agreed to, by which all the old Treaties were renewed, by which Spain admitted that we should be put on the same footing as the most favoured nation. The whole question depended upon the fact, as to whether the regulating power was opposed to, and inconsistent with the principle of the most favoured nation clause.

This was the argument, and yet they had signed a Treaty in which both co-existed. The right hon. Gentleman said that the Colonies were taken out of the operation of the Treaty. But to consider this, they should look to the practical effect of the trade carried on in that time. Formerly, there was no trade there; for, as far as the West Indies were concerned, they might be considered out of the map. They renewed the old Treaties at the Peace of 1814, and when the right hon. Gentleman admitted that they were in force; and by this Act, at that time, the most favoured nation clause was renewed, and part of that Treaty contemplated that at some future time the trade to the whole Spanish West Indies might be opened to this country. There was no doubt, however, that from 1810 to the time of the Treaty, in the return of the Bourbons, the trade between the Spanish Colonies and England had been opened. The right hon. Gentleman could hardly doubt this. He held in his hand a passage from a despatch of Mr. Canning, of the date of 1823, in which he stated that the trade had been opened, and the prohibitory clause had been practically repealed. This had occurred in consequence of an English vessel having been seized under the prohibitory law. In 1814, the old Treaties had been renewed, containing the most favoured nation clause, with the full knowledge that the Colonies must be opened; and they could not now pretend to say that the trade was not to be opened. But supposing that the case of the Government was admitted, and the argument was allowed; suppose, also, that the navigation laws continued still in force, and that on the part of Spain the most strict laws were still in force, still it was perfectly clear that it was in the power of a Spaniard, as far as the laws of this country were concerned, to import Spanish sugar in a British vessel. He therefore said, that at the time of the attempt to do what they now did, a Spaniard might have introduced sugar through Spain, provided it was brought in a British vessel, and he might call upon you to give him the full benefit of the most favoured nation clause. But what was Lord Aberdeen's argument? He stated that some things existed which were inconsistent with this trade, and he confessed that he was somewhat puzzled at the argument used. The Article alluded to was not signed at the time, but was an additional Article to the Treaty of 1814. The right hon. Gentleman would find that the object of this Treaty was a separate Article, and not a secret Article to prevent the renewal of the Family Compact between France and Spain. Subsequently they renewed all the former Treaties, and with a larger construction. The next argument of Lord Aberdeen was, that in 1824, when a reciprocity power was granted to other nations, and when Spain opened her Colonies to foreign nations, it was in 1828 only that such power was given to Spain in return. He would not attempt to conceal a difficulty he had always felt on this subject. He felt the greatest doubt whether, under the reciprocity Treaties with the most favoured nations, they always gave the reciprocity to England. He knew that the strongest doubts remained on this point; and as far as the argument went in this case, the Government did not admit this to be the case. The right hon. Gentleman upset Lord Aberdeen's argument in his letter, and the hon. and learned Gentleman upset the law of the right hon. Gentleman. In the earlier part of our commercial negotiations, we did through persons what we now did through things, and certainly the latter was much more effective in manner than the former. According to the strict Article of the Treaty, Spanish subjects might introduce Cuba sugar into this country the same as sugar from Venezuela. If this was the case, there was little difficulty in the objection. The right hon. Gentleman threw overboard entirely the arguments of his noble Friend on this part of the subject, as if they had never been uttered. In the Treaty of 1715, the Treaty of 1667 was regarded, not merely as a Treaty giving personal rights, but as a Treaty for two nations, and that the commerce between the subjects of each should be carried on on an equal footing. In the 5th Clause it stated—

"And the said subjects shall be used in Spain in the same manner as the most favoured nation, and consequently all nations shall pay the same duties on wool and other merchandise, which shall be brought into or carried out of these kingdoms by land, as the said subjects pay on the same goods which they shall import or export by sea."

The object of this was to prevent the goods of France getting into Spain at a lower duty than when imported by sea. He should be glad to hear how this consequence of the Treaty of 1667 followed, unless it had in view, not the interest of parties, but of the general commerce of both

countries. He would not trouble the House further than to observe, that the personal question as regarded a Spaniard was on the same footing as regarded a Swede or any other foreigner. Now, how did the case work, and how did the Government fulfil the Treaty in dealing with Spain as with the most favoured nation? A Venezuelan could bring his slave-grown sugar into England in a Venezuelan ship. A Spaniard proposed to bring his slave-grown sugar into England. He carried his sugar to Venezuela, and changed it for Venezuelan sugar; and brought it to England. The reply then was, that this was not Spanish sugar; the objection, in the first place, was not to the produce but to the person; but when it was taken to Venezuela, the objection was to the produce and not to the person.

Sir *G. Clerk* rose amidst loud cries of "Divide," which continued throughout the whole of the right hon. Gentleman's address to the House. He denied that the right hon. Gentleman (Mr. Labouchere) was justified in charging the Government with not having kept faith with Spain What construction had the Parliament of England in 1668 put upon the Treaty of 1667? It was obvious what the construction was which they put upon it, from the fact that they imposed a differential duty on Spanish wine. Though that was done so recently after the Treaty, Spain made no remonstrance. In 1686 again, a differential duty of 50 per cent. was laid upon Spanish wine. It was not until 1828 that we opened our Colonies to Spanish vessels. Did Spain, during all that time, even think of the Treaty of 1713? No, nor did she act upon it herself. In 1814, Spain levied upon American ships entering the port of Havana, a duty of one dollar; while upon British vessels she imposed a duty of a dollar and a half. Mr. Canning, on our part, remonstrated, and threatened to resort to retaliatory measures. The answer of Spain was, that she was acting on a principle of reciprocity with America. She made no allusion to the Treaty of 1713. Nothing could be so absurd as the supposition that Great Britain could enter into any such Treaty as that assumed by the noble Lord and the right hon. Gentleman. There were abundant authorities in favour of the course adopted on this occasion by the Government, from Mr. Pitt down to the right hon. Gentleman opposite, whose attempted Commercial Treaty with France was a distinct proof that Spain was not considered as one of the most favoured nations. The noble Lord and his Colleagues, in 1841, were quite ready to conclude that Treaty with France on this basis. The right hon. Gentleman concluded by opposing the Motion.

Mr. *Barclay* moved the adjournment of the debate.

The *Chancellor of the Exchequer* thought the subject had been sufficiently debated, and that adjournment was not necessary. ["Divide," "Go on."]

Mr. *Barclay* resumed. He differed from the Attorney General in his view of the case. It presented two points. One, the conduct of the Spanish Government; the other, the policy of Her Majesty's Government on the Sugar question. The noble Lord attacked one point as a feint to cover his assault on the other. Whatever were the correct interpretation of the Treaties with Spain, it was clear by that of 1670 that the Colonies of that country had no claim on Great Britain. At the same time, he thought it would be better to concede the same right to Spain as was granted to other countries. It was absurd to talk of the honour of Spain, a country which had violated all her obligations to this country on the subject of the Slave Trade—all her officers being engaged in that traffic. If the sugars of Cuba and Porto Rico were to be admitted, they should be admitted on the ground of self-interest, not on the ground of right or of honour. He maintained the inexpediency of allowing slave-grown sugar in the British market, on the ground of religion and humanity, though he admitted the discriminating clause was an innovation on the commercial code of this country. It was no argument to urge that coffee and cotton were slave-grown in favour of sugar; but they were not so destructive of human life. There was no inconsistency greater than that of the noble Lord in the course of that night in respect to the Slave Trade. It would be impossible to suppress that trahe while the demand for slave-grown sugar was promoted by such notions as that of the noble Lord. [*Cries of* "Divide."] He did not attach such importance to the discriminatory principle as regarded sugar, as did the West Indian interest; but he considered that it checked very much the cultivation of slave-grown sugar.

Viscount *Patmerston:* Sir, after the able speeches of my two right hon. Friends, it would be presumptuous on my

part to attempt to add anything to the answers which they had given to the speeches of the hon. Gentlemen who have addressed the House on this subject on the other side. The right hon. Gentleman the late President of the Board of Trade, as he has always done, in an able and ingenious speech, showing deep research and great knowledge, addressed himself to the question; but I must say that it is not always the best symptom of the goodness of a cause, that such a long and ingenious defence is required to support it. A great portion of the speech of the right hon. Gentleman I shall dispense with any reference to, as it went to show that the old Treaties with Spain were no longer in existence; for I will take my stand, as my right hon. Friend the Member for Portsmouth has done, on the allegation of Lord Aberdeen, which shows that he considers them distinctly in force at the present moment. The point, then, for us to consider, is, what the meaning of those Treaties is? The Treaties give to Spain the advantages, with regard to imports into this country, which would be conceded to the most favoured nation; it is said, however, by hon. Gentlemen opposite, that these advantages did not apply to the productions of Spain, but to persons. The right hon. Gentleman the late President of the Board of Trade, however, gave up that argument; and I must remark that what between his admissions and the difference between his opinions and those of the Attorney General, if the *plus* and *minus* were set against each other, very little would remain in favour of the hon. Gentlemen opposite, who deny that these Treaties give to Spain the privileges of the most favoured nation. If it is said that the advantages apply to persons, I ask what does that mean? If a Spanish subject comes from Cuba to England with the produce of Cuba, he is entitled to the introduction of that produce according to the terms which would be granted to the most favoured nation. The right hon. Gentleman, however, states that such a construction would lead to an absurdity, as that a Spanish subject might bring in Cuba sugar at a low duty; whereas the same sugar brought in by an English merchant, or the property of an English merchant, would be liable to the higher duty. If that be the interpretation, then can you not take measures to escape the absurdity of your own law? If you admit that such is the interpretation of the Treaty, you ought to alter the law which produces such an absurdity. If, by the Treaties, a Spanish subject is entitled to the privileges of the most favoured nation, but that you are not bound to extend it to others bringing in the same produce, and that you would thus have conflicting duties, then alter those conflicting duties, and get rid of the absurdity by changing the law. With respect to the Article of the Treaty with Spain in 1814, I will remind the right hon. Gentleman opposite of what he seemed to forget, and what seemed to have been forgotten by the writer of the note also, namely, that at the time, in July, when the Article was signed, the ancient Treaties had not been re-established; and it was not until the following month of August that the ancient Treaties were re-established. I was about to refer to the argument of the hon. and learned Gentleman (the Attorney General) namely, that those who had taken upon themselves the defence of the Government on this occasion—none of them, however, having the responsibility of a Cabinet Minister, for we have not heard from a Cabinet Minister himself any defence of this measure—but none of those who have spoken on the part of the Government, had anything at all to do with the policy of the question. It was simply a question of Treaties. I must beg leave to say that, even if the point as to the construction of the Treaties were given up, and if it were admitted that there was a doubt in regard to these Treaties, I still think it was incumbent on the Government to show that in point of policy the measure was right. I do not admit that the defence of the hon. Gentleman who has just sat down, and who certainly has shown great courage and perseverance in advancing his opinions—I do not admit that his defence of the policy ought to satisfy the House. He spoke with strong feeling in defence of the West Indian interest, and naturally enough defended the measure as being one beneficial to the West Indians. But the defence of the measure which I require is one having reference to the country at large, to the whole commercial interests of this united Empire; and I contend that in that respect the observations of the hon. Gentleman, however, able they may have been, do not apply to the general policy of the measure; by which I mean the policy of rejecting the overture made on the part of a Power like Spain, for giving you a great mercantile advantage which you have not possessed before in relation to that country, by

placing her and her Colonies on the footing of, and conferring on her and them the privileges enjoyed by, the most favoured nation.

The House divided; Ayes 87; Noes 175: Majority 88.

List of the Ayes.

Aglionby, H. A.
Ainsworth, P.
Arundel and Surrey, Earl of
Baine, W.
Baring, rt. hn. F. T.
Barnard, E G.
Berkeley, hon. C.
Berkeley, hon. Capt.
Bouverie, hon. E. P.
Bowes, J.
Bowring, Dr.
Bright, J.
Brotherton, J.
Browne, hon. W.
Clay, Sir W.
Colborne, hn.W.N.R.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Denison, W. J.
Dennistoun, J.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Dundas, Adm.
Dundas, F.
Ebrington, Visct.
Ellice, rt. hon. E.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fitzwilliam, hn. G.W.
Forster, M.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Grosvenor, Lord R.
Hallyburton, Ld. J.G.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Hindley, C.
Holland, R.
Horsman, E.
Howick, Visct.
Hume, J.
Hutt, W.
Labouchere, rt. hn. H.
Lemon, Sir C.
Leveson, Lord
Macaulay, rt. hn. T. B.
Marjoribanks, S.
Marshall, W.
Martin, J.
Mitcalfe, H.
Mitchell, T. A.
Moffat, G.
Morris, D.
O'Connell, M. J.
Ogle, S. C. H.
Oswald, J.
Palmerston, Visct.
Pattison, J.
Pechell, Capt.
Plumridge, Capt.
Ponsonby, hn. C. F.C.
Protheroe, E.
Pulsford, R.
Ross, D. R.
Russell, Lord J.
Sheridan, R. B.
Smith, J. A.
Smith, rt. hn. R. V.
Somerville, Sir W. M.
Stuart, Lord J.
Strutt, E.
Towneley, J.
Vane, Lord H.
Villiers, hon. C.
Walker, R.
Warburton, H.
Wawn, J. T.
Williams, W.
Wilshere, W.
Yorke, H. R.

TELLERS.
Hill, Lord M.
Tufnell, H.

List of the Noes.

Acland, Sir T. D.
A'Court, Capt.
Acton, Col.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Ashley, Lord
Astell, W.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baldwin, B.
Barkly, H.
Baring, T.
Baring, rt. hon. W. B.
Barrington, Visct.
Benbow, J.
Bennett, P.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Cardwell, E.
Chelsea, Visct.
Cholmondeley, hn. H.
Chute, W. L. W.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Clifton, J. T.
Cockburn, rt. hn. Sir G.
Codrington, Sir W.
Cole, hon H. A.
Collett, W. R.
Compton, H. C.
Corry, rt. hn. H.
Cripps, W.
Damer, hon. Col.
Dickinson, F. H.
Douglas, Sir H.
Douglas, J. D. S.
Duncombe, hon. A.
Duncombe, hon. O.
Eastnor, Visct.
Egerton, W. T.
Entwisle, W.
Escott, B.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Flower, Sir J.
Forman, T. S.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greenall, P.
Greene, T.
Grogan, E.
Hale, R. B.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, Lord C.
Hampden, R.
Harcourt, G. G.
Henley, J. W.
Hervey, Lord A.
Hodgson, F.
Hogg, J. W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Hussey, A.
Hussey, T.
Irton, S
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Loftus, Visct.
Lopes, Sir R.
Lowther, Sir J H.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Manners, Lord C. S.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Nicholl, rt. hn. J.
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Pringle, A.
Rashleigh, W.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rous, hon. Capt.
Russell, C.
Ryder, hon. G. D.
Sandon, Visct.
Scott, hon. F.
Seymour, Sir H. B.
Sibthorp, Col.
Smith, A.
Smith, rt. hn. T. B. C.

Smollett, A.	Tollemache, J.
Sotheron, T. H. S.	Trench, Sir F. W.
Spooner, R.	Trevor, hon. G. R.
Spry, Sir S. T.	Waddington, H. S.
Stewart, J.	Wellesley, Lord C.
Stuart, H.	Wodehouse, E.
Sturt, H. C.	Wood, Col.
Sutton, hon. H. M.	Wood, Col. T.
Tennent, J. E.	Yorke, hon. E. T.
Thesiger, Sir F.	TELLERS.
Thornhill, G.	Young, J.
Tollemache, hn. F. J.	Baring, H.

Paired Off.

AGAINST.	FOR.
Archdall, Capt. M.	French, F.
Bateson, Capt.	Rawdon, Col.
Balfour, J. M.	Ellice, E. jun.
Berkeley, hon. G.	Howard, Capt.
Bell, M.	Standish, C.
Bentinck, Lord G.	Etwall, R.
Blakemore, R.	Phillpotts, J.
Burroughes, H. N.	Ord, W.
Brownrigg, J. S.	Elphinstone, H.
Bruges, W. L.	Hobhouse, Sir J.
Carew, W. H. P.	Clements, Lord
Charteris, F.	Worsley, Lord
Chapman, A.	Humphery, J.
Copeland, Ald.	Matheson, J.
Campbell, Sir H.	Bannerman, A.
Cochrane, A. B.	O'Brien, C.
Coote, Sir C.	Redington, T. N.
Courtenay, Lord	Seymour, Lord
Cole, hon. H.	Hallyburton, Ld. F.G.
Darby, G.	Curteis, H.
Douro, Marq.	Byng, G.
Denison, E. B.	Fox, Col.
Drummond, H.	Traill, G.
Dodd, G.	Clive, E. B.
Emlyn, Lord	Muntz, G. F.
Estcourt, T. G.	Ward, H. J.
Grimsditch, T.	Philips, M.
Grimston, Lord	Duncombe, T.
Gore, O. jun.	Bellew, R. M.
Harris, Capt.	Troubridge, Sir T.
Heathcote, Sir W.	Ramsbottom, J.
Hamilton, W.	Buller, C.
Hepburn, Sir T.	Gisborne, T.
Hould-worth, T.	Collett, J.
Henniker, Lord	Morrison, Gen.
Holmes, hn. W. A.	Rice, E. R.
Hodgson, R.	White, S.
Hope, Sir J.	Napier, Sir C.
Hornby, J.	Ferguson, Col.
Irving, J.	Pendarves, E. W.
Knight, F. W.	Busfeild, W.
Knight, H. G.	Cayley, E. S.
Knightley, Sir C.	Archbold, R.
Lyall, G.	Philips, G. R.
Lefroy, A.	Blake, M.
Lindsay, H. H.	Bell, J.
Maxwell, hon. J.	Loch, J.
Maunsell, T. P.	Cavendish, hon. G.
Marton, G.	
Milnes, R. M.	Listowel, Lord
Mackinnon, W. H.	Crawford, W. S.
Morgan, C.	Dundas, W.
Northland, Visct.	Ricardo, L.
Oswald, A.	Dalrymple, J.
Patten, J. W.	Stewart, P. M.
Sanderson, R.	Scrope, P.
Somerton, Lord	Anson, Col.
Stanley, E.	Murray, A.
Thompson, Ald.	O'Conor Don
Trotter, J.	Christie, W. D.
Vesey, hon. T.	Wall, C. B.
Vivian, J. E.	Grey, Sir G.
Villiers, Lord	Byng, G. S.

House adjourned at half-past two o'clock.

HOUSE OF COMMONS,

Wednesday, July 16, 1845.

MINUTES.] BILLS. *Public.—Reported.*—Turnpike Acts Continuance; Loan Societies; Highway Rates; Militia Ballots Suspension; Unlawful Oaths (Ireland); Land Revenue Act Amendment.

PETITIONS PRESENTED. By Mr. T. Duncombe, from Henry Walker, of 29 St. John Street, Clerkenwell, against Lunatics Bill.

The House assembled at twelve o'clock.

LUNATICS.] On the Motion that the Speaker leave the Chair to go into Committee on the Lunatics Bill,

Mr. *T. Duncombe* protested against proceeding with the consideration of the Bill in the absence of the right hon. Baronet the Secretary for the Home Department. The hon. Member was proceeding, when the right hon. Baronet the Secretary for the Home Department took his seat; and the hon. Member said he would not further oppose the Motion.

House in Committee.

On Clause 5, which provides for the retiring pensions of the Commissioners,

Mr. *Warburton* moved to omit all the words after "that," for the purpose of inserting the following words:—

"Any superannuation allowance to be granted to any paid Commissioner appointed, or to be appointed, under this Act, shall be granted only as a Compensation for services performed under this Act, and shall be subject to the provisions of an Act passed in the fourth and fifth years of His late Majesty William the Fourth, in respect of such officers and clerks as might enter the public service after the 4th day of August, 1829."

Mr. *S. Crawford* objected to any superannuation allowance. He concurred with the hon. Member for Finsbury in recommending the postponement of the Bill.

Amendment agreed to.

On the Motion that the clause, as amended, stand part of the Bill,

Mr. *T. Duncombe* objected altogether to granting retiring pensions to the Commissioners, and should take the sense of the House on the point. Why should these Commissioners be placed in a better situation than the Poor Law Commissioners and the Inspectors of prisons? Their duties were performed principally for the benefit of the rich, who ought to provide for their maintenance. He recommended that the duration of the Commission should be limited for the present to three years. He again urged on the Government the policy of postponing the Bill till next Session, when they would be enabled to bring in a satisfactory measure, after due deliberation, and a careful consideration of suggested amendments. As, however, Government seemed resolved to force the Bill through Parliament, in despite of opposition, and with an attendance of Members absurdly inadequate to the consideration of such a question, he should feel it his duty to offer every clause his most strenuous opposition.

Sir *J. Graham* referred to the conduct of those having charge of the Bill, with reference to the Amendment proposed by the hon. Member for Kendal, in proof of the readiness with which they were willing to acquiesce in any reasonable suggestion. It would be better to discuss the objections to the various clauses in their regular order. He should, however, deceive the hon. Member, if he held out any hope that he could consent to limit the duration of the Commission.

Mr. *Wakley* moved "That no person should be hereafter appointed to the Commission who was above the age of forty-five years."

Amendment negatived.

The Committee divided on the Motion, that the clause stand part of the Bill:—Ayes 43; Noes 3: Majority 40.

Clauses up to Clause 9 inclusive were agreed to, and schedules were agreed to. The House resumed. Report to be received.

VALUATION (IRELAND) BILL.] Sir *T. Fremantle* moved "That the House do resolve itself into Committee on this Bill."

Sir *R. Ferguson* objected to proceeding with the Bill at that hour.

An hon. *Member* moved that the House be counted, and twenty-three Members only being present, the House adjourned at half-past four.

HOUSE OF LORDS,

Thursday, July 17, 1845.

MINUTES.] BILLS. *Public.*—1ª. Turnpike Acts Continuance; Militia Ballots Suspension; Loan Societies; Highway Rates; Borough and Watch Rates; Art Unions; Unlawful Oaths (Ireland); Commons' Inclosure; Apprehension of Offenders.

2ª. Recognizances for Costs in Bills.

3ª. and passed:—Administration of Justice (Court of Chancery) Acts Amendment; Statute Labour (Scotland); Law of Defamation and Libel Act Amendment; Drainage by Tenants for Life; Dog Stealing; Constables, Public Works (Ireland).

Private.—1ª. Earl of Powis's (or Robinson's) Estate; Shrewsbury and Holyhead Road.

2ª. Direct London and Portsmouth Railway; Tacumshin Lake Embankment; Erewash Valley Railway; Irish Great Western Railway (Dublin to Galway).

Reported.—Norwich and Brandon Railway (Diss and Dereham Branches); Saint Helen's Improvement; Falmouth Harbour; Follett's Estate; Winchester College Estate; Bowes' Estate; Duke of Bridgewater's Trustees' Estate; Aberdare Railway; Brighton and Chichester Railway (Portsmouth Extension); Guildford, Chichester and Portsmouth Railway; Glasgow, Barrhead, and Neilston Direct Railway.

3ª. and passed:—Birmingham Blue Coat School Charity Estate; Sampson's Estate (Ward's); Wear Valley Railway; Preston and Wyre Railway; Harwell and Streatley Road; Saint Matthew's (Bethnal Green) Rectory.

PETITIONS PRESENTED. From Longford, for the Better Observance of the Sabbath.—By the Marquess of Londonderry, from Landowners of the Baronies of Ards, and Castlereagh, and numerous other places, against the Tenants' Compensation (Ireland) Bill.—From Commissioners of Supply of Nairnshire, for Insertion of Clause in Railway Bills, to compel Proprietors of Railways to Compensate Creditors of Turnpike Trusts.

IRISH GREAT WESTERN RAILWAY.] The Earl of *Besborough* brought up the Report of the Select Committee on the Irish Great Western (Dublin and Galway) Bill, to which the petition had been referred. The Report (which the noble Earl read in a low tone at the Table) was understood to state, that it had not been the practice of this Company to require references from applicants for shares, and that allotments had been made to persons under feigned and fictitious names, and to paupers and others who had no means of paying the requisite deposits; that the system adopted was one which tended to defeat the object of Parliament in its rules on this subject, and that the reduction made last Session in the required amount of deposit had had the effect of facilitating the commission of fraud. The noble Earl concluded by moving that the Report should be printed, together with the evidence in the case, and that it should be referred to the Committee on the Bill.

Lord *Brougham* expressed his belief that it would be better not to enter then into any discussion of that Report, but to wait until it was printed with the evidence, according to the Motion of his noble Friend.

After a few words from the Marquess of *Clanricarde* and the Earl of *Wicklow*,

Motion agreed to.

APPREHENSION OF OFFENDERS.] The Earl of *Aberdeen* laid on the Table a Bill for facilitating the Execution of the Treaties with France and the United States of America, for the Apprehension of certain Offenders. We had received from France and America all the offenders for whom we had applied; but in consequence of technical difficulties, it had been found impossible to surrender to France any one offender, and to America only one or two. The Bill provided only that the warrant of the Secretary of State should in all cases be directed to some one of the police magistrates of the Metropolis, instead of the magistrates generally throughout the country, so that uniformity of decision should be secured.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 17, 1845.

MINUTES.] NEW MEMBER SWORN. For Cambridge Borough, Fitz Roy Kelly, Esq.

BILLS. *Public.*—1°. Documentary Evidence; Militia Pay; Railways (Selling and Leasing); Unions (Ireland).

2°. Highways; Death by Accidents Compensation; Deodands Abolition (No. 2); Jewish Disabilities Removal; Jurors' Books (Ireland); Naval Medical Supplemental Fund Society; Taxing Master, Court of Chancery (Ireland).

Reported.—Ecclesiastical Patronage (Ireland); Drainage (Ireland); Spirits (Ireland).

3°. and passed:—Highway Rates; Militia Ballots Suspension; Loan Societies; Turnpike Acts Continuance; Unlawful Oaths (Ireland); Commons' Inclosure; Lunatic Asylums and Pauper Lunatics; Bills of Exchange; Geological Survey; Unclaimed Stock and Dividends; Criminal Jurisdiction of Assistant Barristers (Ireland); Bail in Error; Lunatic Asylums (Ireland).

Private.—1°. Birmingham Blue Coat School Estate; Sampson's Estate; Sir Robert Keith Dick's Estate.

Reported.—Grimsby Docks (re-committed); Duddeston and Nechells Improvement (No. 2) (re-committed); London and Croydon Railway Enlargement (re-committed); London and Croydon Railway (Maidstone, Ashford, and Tonbridge); South Eastern Railway (Maidstone to Rochester); South Eastern Railway (Ashford to Hastings); Rye and Tenterden Railway; Rothwell Prison; Glasgow, Paisley, Kilmarnock, and Ayr Railway (Barrhead Branch).

3°. and passed:—Yoker Road (No. 2); Gravesend and Rochester Railway.

PETITIONS PRESENTED. By Sir R. H. Inglis, from George Barnes, B.D. Archdeacon of Barnstaple, against Ecclesiastical Courts Bill.—By Mr. Baring, and Sir R. Peel, from British-born Jews of Portsmouth, and London, in favour of Jewish Disabilities Removal Bill.—By Sir R. H. Inglis, from Inhabitants of Boningale, against Union of St. Asaph and Bangor.—By Mr. Duncan, from Boyd, New South Wales, for Repeal of certain Acts relating to that Colony.—By Mr. Hawes, from Factory Workers, and others, of Cowcliffe, in favour of the Ten Hours System in Factories.—By Mr. Masterman, from the City of London, for Inquiry into the Treatment of Lunatics.—By General Morison, from Mr. MacMillan, in favour of Physic and Surgery Bill.—By Mr. W. Williams, from Senior Students of the School of Design, Somerset House, for Inquiry (School of Design).—By Mr. Masterman, from Sugar Refiners of London, against Smoke Prohibition Bill.—By Mr. Villiers, from Captain Charles Stewart, late of Her Majesty's 24th Regiment of Infantry, for Inquiry into his Case.

The House met at twelve o'clock.

INCLOSURE OF COMMONS.] The Earl of *Lincoln* moved the Order of the Day for the Third Reading of the Inclosure of Commons Bill.

Colonel *Sibthorp* had from the first opposed this Bill, and would still oppose it, because he thought proper time had not been given for its due consideration. There might be some good clauses in it; but it was of so important a nature that he should object to the Bill altogether, unless it were for some time postponed.

Mr. *Eliot Yorke* hoped that the House would at once proceed with the consideration of the Bill, as it was calculated to be of great benefit to all classes of the community.

Mr. *Sharman Cranford* felt it to be his duty again to state his objections to many parts of the Bill, as they had not been removed in its former stages. The Bill was calculated to benefit the landlords alone, and would not be advantageous to the working classes, who ought to be considered. In proof of what he stated, he would quote the evidence of Mr. H. Martin, of Hadlow, in Kent, who had stated that the rent of common land, which was formerly 16*s.* per acre, had now risen to 2*l.* per acre. Under these circumstances, he would not now further trouble the House; but when the question should be put that the do pass into a law, he would divide the House.

Mr. *Becket Denison* regretted deeply that the hon. Member for Rochdale, whose character for benevolence stood very high in that House as well as out of it, should be found to oppose the Bill, especially as his influence and importance among the labouring poor were very great. He was sure that if that hon. Gentleman should succeed in rejecting the Bill, he would sooner or later regret that success; for he would find that he had been doing a great injury to the labouring poor residing on the borders of the commons which, by this Bill, would be enclosed. He would give his most cordial consent to the Bill.

The Earl of *Lincoln* said, that sufficient time had been given for discussion on this Bill, since it had been before the public nearly three years. The measure, he was

sure, would be found to be of the greatest advantage to the labouring poor, as well as to the landlords and landowners.

Order of the Day read. Bill read a third time.

On the Question that the Bill do pass,

Mr. *Sharman Crawford* contended again that the mode of distribution of land, as proposed by this Bill, was most arbitrary and unjust; and as his objections had failed to be considered, he should feel it his duty to divide the House on the Question.

The House divided:—Ayes 48; Noes 0: Majority 48.

Bill passed.

The two Tellers for the Noes were, Mr. Sharman Crawford and Colonel Sibthorp.

DRAINAGE OF LANDS.] The Earl of *Lincoln* moved that Mr. Speaker do leave the Chair, for the House to go into Committee on the Drainage of Lands Bill.

Colonel *Sibthorp* said, though his objections to the Bill that had just passed were very great, his objections to the present were even stronger; for its object seemed to him to be, the protection and screening of those who had benefited themselves at the expense of others, and because it gave such great power to the Commissioners to interfere with the private property of gentlemen.

The Earl of *Lincoln* said, that none of the Commissioners, or Assistant Commissioners, would venture to proceed anywhere to undertake surveys or operations provided by this law, without being first applied to by the owner of the land.

Mr. *Sharman Crawford* hoped that the hon. and gallant Colonel would not proceed with his opposition to this Bill, for he thought it was a reasonable Bill, and would be productive of great good.

House went into Committee. The Bill passed through Committee, and House resumed. Report to be received.

FISHERIES (IRELAND).] House in Committee on the Fisheries (Ireland) Bill.

On Clause 3, "Power of Commissioners to hear complaints and remove illegal weirs,"

Captain *Jones* thought this clause extremely objectionable. It gave the Commissioners the power of trying questions of property probably to a large amount. It was true there was an appeal; but was it reasonable that parties should be drawn to such an appeal?

Sir *R. Ferguson* objected to the clause, and for the same reasons.

Sir *Thomas Fremantle* stated that the object of the clause had been misunderstood. It was not intended to give the Commissioners the power of trying questions of property; but it was intended to prevent parties from erecting weirs, after its being ascertained by law that they had no authority to do so.

Sir *W. Somerville* was as anxious as any one to prevent the erection of illegal weirs; but it would be extremely hard that persons who had a right to erect weirs should have that right decided by the Commissioners, or have an expensive appeal to reverse his decision.

Captain *Jones* was of opinion that the clause, as at present worded, would certainly give that power to the Commissioners.

Mr. *George Hamilton* said, after the explanation of the right hon. Baronet, the only question was, whether the clause carried out the intention. The right hon. Baronet stated, it was not intended to give the Commissioners the power of trying a *bonâ fide* claim, but only to prevent a trespass. The language of the clause appeared to him ambiguous; perhaps it might be explained by a provision at the end, similar to that in the Malicious Trespass Act, excluding jurisdiction where there was a *bonâ fide* claim of right or title.

The *Attorney General* quoted some cases to show that this rule held good at Common Law in all summary jurisdictions.

Sir *Robert Ferguson* thought that some explanation was necessary.

Mr. *George Hamilton* urged the introduction of such a provision. It was desirable that the intention of the Legislature should be clearly expressed.

Sir *Thomas Fremantle* would accede to the suggestion of his hon. Friend.

Bill went through Committee.

The House resumed. Bill to be reported.

AMALGAMATION OF RAILWAYS.] Mr. *Milner Gibson* begged to call the attention of the right hon. the Vice President of the Board of Trade to a Clause of an unprecedented nature which had been introduced into the Manchester and Liverpool Railroad Bill, which gave to the proprietors the power of amalgamating with other companies without any further application to Parliament. A similar clause had found its way into certain other Bills. He wished

to ask whether Her Majesty's Government were prepared to introduce a Bill for the purpose of repealing that and similar clauses.

Sir *G. Clerk* said, the subject was one of great importance, and the clause was totally without precedent. It was calculated to establish a monopoly which might be very inconvenient to the public. It would be recollected that the clause passed through the House without resistance; and, as it was not touched by any of the Lords' Amendments, he could not get rid of it without throwing the Bill out altogether. The Report of the Board of Trade had recommended the House to take care that no Railway Bill should give any such power of transfer. The only way to meet the case would be to bring in a Bill to declare, that notwithstanding the indefinite powers granted in several Railway Bills to lease or transfer their railways, it should not be lawful to do so unless the Bill under which the parties acted contained a clause specifying the parties authorized to make such transfer, and the companies to whom it was to be made. In future, the Committee should have the proposition before them, stating the lines that were intended to be amalgamated. If it met with the general approval of the House, he was prepared to bring in a Bill of that nature.

Mr. *Brotherton* thought that it would have been a great hardship and injustice to throw out the Bill on account of the introduction of the objectionable clause; but he was glad to hear that the right hon. Gentleman proposed to bring in a Bill to prevent the injurious consequences which might result from that clause; and he hoped that the Standing Orders would be suspended to allow of the speedy passing of such a Bill.

Subject at an end.

COMPENSATION TO TENANTS.] Mr. *Sharman Crawford* inquired, whether it were the intention of the Government to proceed further with the Tenants' Compensation Bill?

Sir *R. Peel* said, that the Bill had been committed to a Select Committee in the House of Lords; but as there was no probability, owing to the delay which had occurred, of that Bill coming down to the House of Commons at such a period as would admit of its proper consideration during the present Session, the Government did not propose to proceed with it. But another Bill, growing out of the Report, would be taken into consideration during the recess, and brought into Parliament at an early period next Session.

Mr. *S. Crawford* said, that in 1843, he introduced a Bill having reference to the subject, and it was his intention to move for leave, before the termination of the present Session, to re-introduce it, in order that it might be under the consideration of the Government and the public during the recess. He trusted that, under these circumstances, no opposition would be offered to the introduction of the Bill.

Sir *R. Peel* said, that he should be very unwilling to throw any opposition in the way of the introduction of the Bill.

HEALTH OF TOWNS.] In answer to a question from Mr. *Bouverie*,

The Earl of *Lincoln* said, that it was his intention to bring in and print a Bill relating to the Health of Towns, in order that it might be circulated during the recess.

JEWISH DISABILITIES.] Sir *R. Peel*, in rising to move the Second Reading of the Jewish Disabilities Removal Bill, said —Mr. Speaker, I am now about to call the attention of the House to a Bill which has been sent down to this House from the other branch of the Legislature, and which has for its object the removal of all obstacles to the admission of members of the Jewish persuasion to municipal offices. The Bill has received the almost unanimous support of the other branch of the Legislature; and I do trust that I shall be enabled to give such an explanation of the objects of the Bill, and the reasons upon which it is founded, as will induce the House to receive with equal favour the measure which has been sent for our concurrence by the other House of Parliament. The object of the Bill is to remove every impediment whatever, of every kind, to the admission of Jews to municipal offices—to any office of magistrate, of trust, and of emolument, connected with municipal corporations. I will first state what is the great impediment which at present exists to the admission of Jews to these corporate offices. It exists in consequence of the enactment which was passed through Parliament in 1828, for the purpose of repealing the Acts called the Test and Corporation Acts, and of substituting in their room a declaration in lieu of a Sacramental

Test, and other declarations previously required. With respect to appointments generally, that declaration is to be made subsequent to the appointment to office; and consequently the passing of the Annual Indemnity Act enables those who might have been previously disqualified, by their compliance with a certain condition, to become eligible to fill these corporate offices. The enactment which was passed in 1828, was then a substitute for the Test and Corporation Acts, and was this—that the declaration which was substituted for the Sacramental Test was to be taken in respect to municipal offices either within a month before the admission or upon the admission of persons to office. Serious doubts have from time to time arisen as to the proper construction of these words. It was held by the Court of Queen's Bench, that there was nothing in the law which prevented a Jew from taking the oaths of office previously to or upon his admission, and that the law would be satisfied if the declaration were subsequent. That was ruled by the Court of Queen's Bench; but upon an appeal to the Judges in the Exchequer Chamber, the judgment of the Court of Queen's Bench in that respect was reversed, and the law was laid down that the declaration to be made in the case of a municipal office must be made either previously to or upon admission to office. Consequently it rests with the authorities in a municipal corporation, if they think fit, to require the Jew to make the declaration either previously to or at the time of his acceptance of office. Now the practice of requiring the declaration has not been universal throughout this country. In the case of several corporations, the law, as laid down by the Court of Queen's Bench, though reversed by the Judges sitting in the Court of Appeal, has been practically acted upon. In the borough of Portsmouth there is now a Jew a member of that body, because the corporation have not felt themselves precluded from contenting themselves with the omission of the oaths of office, on admission to office, leaving the party to make the declaration at a subsequent period. The party has not made the declaration at a subsequent period; but the annual Indemnity Act has covered the omission. In the case of Birmingham and of Southampton, there is also a Jew a member of the corporation. The practice, therefore, having varied, the object of the present Bill is to render it uniform, and to remove impediments which, at the discretion of the municipal body, may be opposed to the admission of Jews. How stand the Jews at the present moment with respect to other offices, with functions not dissimilar to those of municipal offices? In respect to the county magistracy, there is no legal impediment to the admission of Jews. In respect to the still higher office of deputy lieutenant of a county, there is at the present moment no practical difficulty; and within the last three or four years several most respectable Gentlemen of the Jewish persuasion have actually been appointed deputy lieutenants. One of the Messrs. Rothschild is a deputy lieutenant. Sir Moses Montefiore is a deputy lieutenant. He was appointed by the Duke of Wellington to be a magistrate of the Cinque Ports. In Devon there is a magistrate of the Jewish persuasion. In Surrey Mr. Cohen is a magistrate. How stands the case as to the sheriffs of the county, the immediate representatives of the Sovereign? To that high office, next to that of Lord Lieutenant, the Jew is eligible by law; nay, more, the Jew is compelled to serve the office of sheriff. The Jew is not enabled to make an excuse to relieve himself from the duty of performing the onerous and sometimes expensive functions of the office of sheriff. The Judges going the circuit return the name of the Jew to the Privy Council; the Privy Council certify the return to Her Majesty, and Her Majesty approves, speaking generally, the appointment of the gentleman who stands first upon the list to the office of sheriff; and within the last two or three years Her Majesty's prerogative has been exercised in favour of the appointment of a Jew to be sheriff of a county; and not only has the Jew been appointed, but his attempt to excuse himself on account of private avocations has been refused. You impose, therefore, upon the Jew the burden of the acceptance of that office. There was a doubt whether a Jew would be eligible for the office of sheriff of a county, of a city, or borough. What course did Parliament take? Mr. Salomons was elected by the free choice of the citizens of London to the office of sheriff of Middlesex. The doubt arose in that case whether the declaration must not be made, as it must be considered a municipal office, either previously to or upon the acceptance of office; and in the year 1835 Parliament altered the law in that

respect, expressly exempted the office of sheriff from the operation of the Act of 1828, and made the sheriff to perform the duties of sheriff of a county without requiring that he should take the declaration upon the acceptance of office. Parliament gave to the sheriff of a county a period of six months for the purpose of making the declaration. Mr. Salomons, therefore, did perform the duties of sheriff. Having performed those duties in a manner which entitled him to the respect and confidence of his fellow citizens, he was subsequently elected to the office of alderman; and then this impediment arising out of the Statute took effect, and he who had served the office of sheriff, and had entitled himself to general respect and confidence, was precluded from holding the office of alderman, because he was required to make this declaration previously to or upon the acceptance of office. I submit to the House that the statement of that fact alone is almost sufficient to justify the interposition of Parliament. But I must refer, in order to remove any doubt upon the subject, to the history of this declaration. In the year 1828, the noble Lord brought in a Bill for the Repeal of the Test and Corporation Acts, and having failed, at the outset, in resisting the measure, I lent him my co-operation in carrying the Bill through the House. I suggested a form of declaration to be inserted in the Bill, and to be substituted for the Sacramental Test, and that form of declaration which I suggested and which the noble Lord adopted was this:—

"Every person elected to the office of mayor, alderman, or any office of magistracy or trust in any municipal corporation, is required within one calendar month next before his admission to make and subscribe the following declaration:—'I, A. B., do solemnly declare that I will never exercise any power, authority, or influence which I may possess by virtue of the office —— to injure or weaken the Protestant Church, as it is by law established within this realm, or to disturb it in the possession of any rights or privileges to which it is by law entitled."

That was the declaration which I suggested, and which the noble Lord saw no difficulty in inserting, and so the Bill went to the House of Lords. The declaration was required to be made within one month before admission to office, but then it was a declaration to which the Jew would not have objected. In the House of Lords, words were inserted which constitute the whole impediment in the way of the admission of the Jew. In lieu of a simple declaration, the words were: "I, A.B., do solemnly and sincerely, in the presence of God, profess, testify, and declare, on the true faith of a Christian." The insertion of those words "on the true faith of a Christian," constitute the impediment to the acceptance of office by the Jew. The House of Lords, the authority which inserted these words, now sends us down a Bill which removes the difficulty, and permits the acceptance of office by the Jew. I submit to the House, that we who had not insisted on the insertion of those words can hardly reject the proposition now voluntarily made by the House of Lords, that the words which constitute the difficulty should be omitted. No one objected in the House of Commons to the declaration as originally proposed by me, on account of its permitting the Jew to accept office. The noble Lord thought it unwise to reject the Bill on account of the insertion of those words; but I very much doubt whether the words were inserted with a view to disqualify the Jew. The House of Lords now make the proposal to us to restore the Bill to the state in which it was originally sent from the House of Commons; and I do hope that the House of Commons will receive the proposition which has been made. Observe what was the effect of the Act of 1828. It clearly was intended to relieve the Dissenters from the Church of England. It repealed the Test and Corporation Acts, partly because it was thought a sacramental test was a bad test—that there was a tendency to degrade a most important religious ceremony, and partly because it went to exclude Dissenters. Parliament, therefore, passed an Act, the manifest object and intention of which was to relieve the Dissenter from the disability under which he previously laboured; but, as far as the Jew is concerned, unless we alter the law, he will be in a worse state than he would have been in if the Test and Corporation Acts had not been repealed. Before that time there was nothing to disqualify a Jew from serving in a municipal office, because the sacramental and other tests were to be taken subsequent to the acceptance of office, and an annual Indemnity Act was passed; whereas the impediment to the admission of the Jew now arises solely from the obligation to take the new declaration previously to or upon the acceptance

of office. We have taken the same course as to other classes of our fellow subjects who dissent from the Church. The Moravians, Separatists, and Quakers, could not reconcile it to their conscientious convictions to make the declaration, and they have been admitted to municipal offices without subscribing the declaration. The Bill proposes to take the same course with respect to the Jew, and enable him to make the same declaration in substance, only relieving him from the necessity of declaring that he makes it on the true faith of a Christian. You will have from him the same security you have from others, that he will not exercise any privilege that he may possess to the detriment of the Church of England. Under these circumstances, I submit, it is but just and reasonable to pass this Bill. I am aware that it is a measure of a limited character; at the same time it is one which will be acceptable to the feelings of a very large portion of the Jews themselves. I think I have proved that sufficiently, by the petition which I have presented in the course of this evening, signed by a considerable body of the most respectable members of the Jewish persuasion, who are willing to accept this measure, not as entirely satisfactory, but as gratifying to their feelings. I have great gratification in proposing that which is acceptable to the feelings of a large and powerful body, the members of which are entitled to our respect. I need only mention the names of Rothschild, Salomons, and Montefiore, to induce the House to look favourably at a measure which they, as the representatives of a great body of the Jews, say will be acceptable. When I consider what is the benevolence of that people—that it is not restricted by any sectarian views—when I look at the patronage they give—when I look at the rewards and distinctions they have received when they have entered into the honourable career of academical competition—when I see the prizes gained at the University of London by members of the Jewish persuasion, I must say it is a matter of personal gratification to me to propose a measure which shall give to them unrestricted admission to municipal offices, and shall, at the same time, be acceptable to the feelings of so great and powerful a portion of my fellow countrymen. I therefore move "That this Bill be now read a second time."

Sir *R. Inglis* said, that the speech of his right hon. Friend—able and clear as all his speeches were—was not more conclusive to his mind than similar arguments addressed from the opposite side of the House; and if he were unconvinced by the arguments and eloquence of his noble Friend the Member for the city of London, his right hon. Friend the Member for the city of Edinburgh, and by him whom all would admit to be most worthily ranked with them in any competition of talent in the House—viz., his late lamented Friend Sir Robert Grant, to whom the advocacy of this measure was first entrusted, he hoped his right hon. Friend at the head of the Government would not consider it disrespectful if he owned that he was not convinced by the address which he had just heard. In the first place, his right hon. Friend had fallen into a great historical and legal error in leading the House to believe, as it was his object to do, that the disabilities of which the Jews complained, and of which it was the purpose of the present Bill, in a certain degree, to relieve them, were created by the Act of 1828, and by the declaration, as modified in the House of Lords, inserted in that Act. He apprehended that nothing was more clear than that at no period in the history of England, up to the year 1828, was any Jew ever admitted to any municipal office whatever in any city or borough in England. The reason was this:—In no instance could any individual be admitted except upon oath; and the oath was always administered upon some Christian symbol, such as the Cross, or on the Book of the Gospel, or on some relic which was holy and revered in the sight of a Christian; but conveyed no sanctity to the mind of a Jew. He therefore held that it was not correct, legally or historically, to allege, that that disability was created against the Jew by the Act to relieve any other member of the community dissenting from the Church of England. His right hon. Friend then proceeded to state that the law was uncertain. He could understand that when a decision upon privilege or any other point had proceeded from the Court of Queen's Bench, any gentleman was at liberty to argue that the law was uncertain, because the extreme resources of the law had not been finally exhausted by an appeal to a higher court; but he defied the Attorney General to say that the law was at this moment uncertain, when you had the decision of the Court of Queen's Bench on one side, and that decision reversed by a writ of

error. From the right hon. Baronet's statement of the way in which the declaration had been drawn up, and thrown over the Table, any one would conclude that the alteration made by the House of Lords in introducing the words, the "true faith of a Christian," was made almost *per saltum*, and without consideration, and not advisedly and with special reference to a particular purpose. His impression was directly the reverse. Whether the House of Lords did right or wrong, they advisedly made the alteration for the very purpose to which it had been applied—viz., to exclude Her Majesty's Jewish subjects from municipal offices: the law up to 1828 not having permitted Jews to hold municipal offices. The phrase, "Jewish subjects of Her Majesty," reminded him of the singular expansion which this Bill had gradually attained. When it was first introduced by Sir R. Grant in 1830, it was a Bill "to relieve British-born subjects of His Majesty;" it was afterwards changed to "subjects of His Majesty professing the Jewish religion;" but now the terms of the Bill were extended, not to Sir Moses Montefiore or Mr. Salomons, and other gentlemen, whose petition had been presented to-night, but to every portion of the professors of the Jewish religion. The Bill was, in fact, a measure for naturalizing a whole nation. Let the House pass it, and there would be nothing in the law to prevent any German Jew from arriving at any dignity in the city of London without taking any oath whatever, either of loyalty to the Queen, or giving any security that he would be a good subject in all the relations of life. He did not think there was anything in the circumstances of the Jews to entitle them to the special exemption in their favour which was proposed by the present Bill. He would not refuse to any man what was his right, and what was due to him, however weak; but he was not disposed to make concessions in favour of any, however high and powerful, when those concessions might be opposed to duty; and in the present case they should take care that they were not hazarding, in favour of such persons, those high considerations on which the integrity of the Christian constitution hitherto depended. Up to the last sixteen years no person would have thought of making such concessions. The Jews could never be spoken of as a merely religious sect; in every sense of the word they were a nation; it was as a nation they stood out as a miraculous spectacle to the world; and if they were relieved they would be relieved as a nation. They could not put forward any claim of right either under the Common or under the Statute law; they came to England for their own purposes, and it was their duty to conform to the law of the country into which they introduced themselves. Dr. Arnold drew a strong distinction between the Christian, and him who was not a Christian; in fact between the Christian and the Jew. He said, "The Jews are strangers in England; and they have no more claim to legislate for us than a lodger has to interfere in the concerns of his landlord. They are voluntary strangers here, and have no right to legislate, unless they acquiesce in our moral law, which is the Gospel." Such was the view taken by Dr. Arnold of this subject, from whom, indeed, he differed in his views of church government; but with whom the majority of the supporters of the present measure as certainly agreed. He did not think that for the sake of a handful of men they should declare that they no longer regarded Christianity as an element in the administration of the affairs of England. He believed that for the sake of those Jews they were going to destroy that identification of the institutions of England with Christianity which heretofore subsisted, and which constituted her glory, and, he might say, her defence. His right hon. Friend stated that in Southampton, Birmingham, and other towns, Jews had been admitted to municipal offices. If, in point of fact, such appointments were contrary to the existing law; he thought it was a bad recommendation to the present Bill to state that the Jews having successfully violated the law, we should give them perfect indemnity for the past, and impunity for the future. It was said that in other countries Jews were admitted to all civil rights—that it was so in France, America, Holland, and Belgium. Now, upon inquiry, he found that Jews in those countries were admissible, but they were not admitted. In France a Jew might be a deputy, a member of the Administration, or a judge; but the fact was, that there was no instance of a Jew ever having held either office. Even if it were otherwise, not one of the offices in the countries he referred to, was of the same importance, for instance, as that of the Lord Mayor of the city of London. It was quite clear that the object of this Bill was to allow Mr. Salomons and Sir M. Montefiore to hold the office of Lord Mayor. But even if the precedents of other coun-

tries were analogous with respect to the offices to be filled, they were not analogous as to the circumstances and character of the persons who were called on to fill such offices. Those persons were in many cases under despotic Governments, and were deemed eligible because they exhibited a disposition which his right hon. Friend, he was sure, would be the last to encourage. In some instances where the Jews had been admitted to civil rights, they had pursued a line of conduct which could not be acceptable to a Christian people. He referred to the case where Governor Hammond, of Charleston, had felt it necessary to call upon the people to exhibit public gratitude to the Almighty. He did so in a proclamation, in which he recommended the people to meet in their houses of worship and offer up thanksgiving to the Divine Saviour of the world. He believed no hon. Gentleman in that House would object to such a proclamation; but the Jews of Charleston thought proper to do so. They assembled at a public meeting, at which Michael Lazarus was in the chair, and denounced the proclamation. They said that the laws of all nations ought to be administered without discrimination or preference. Governor Hammond properly and truly replied, that he issued the proclamation upon the broad grounds that he was administering the laws of a Christian community; and he asked triumphantly, why did their laws prohibit labour on the Sabbath? He mentioned this circumstance to show that the Jews would not be satisfied with admission to municipal offices. They would push their views much farther. If placed in a situation to do so with effect, they might complain of our laws for the observance of the Lord's Day. With respect to the present Bill, he conceived it to be morally impossible that Jews could exercise the judicial functions to the performance of which it would render them eligible, even to their own satisfaction. Suppose the Bill were passed, and that many Jews were elected to municipal office, and eventually were preferred to the heads of corporations, would there be no danger in respect of Sunday trading? Or, suppose a man brought before a Jew magistrate for blaspheming the name of the Holy Redeemer, how could a Jew consistently administer the law against one whom he was bound to consider so far a co-religionist? He objected to this measure, especially, because it was undoubtedly intended to introduce a much larger measure at a future period; for to be consistent, the Legislature, if it passed this Bill, ought to go much further, and admit persons of all denominations whatever. Admitting the benevolence of the Jews in this country as a body, and admitting that their charity was not confined to their own people, still he could not allow his admiration for those qualities to induce him to do that which he believed would be injurious to the welfare of the kingdom, and incompatible with our duties as a Christian people. He would never consent to introduce into our Constitution an element which would render the working of a Christian Constitution impossible. Believing that the law of the land was a Christian law, intended to be administered by Christian men, he could not consent to the measure, much less to any ulterior measure, for bringing the Jews, not only into the seat of justice where the law was adminstered, but for giving them the power of making the law. He, therefore, moved that the Bill be read a second time that day six months.

Mr. *Plumptre* seconded the Amendment. If the Members of that House were not Christian men, it signified little with whom they were associated in their legislation; but if they professed to be Christians, it behoved them to avoid the admission of any principle which was opposed to the interests of Christianity. He was persuaded that this measure would not be approved of by the great mass of the people of this country, and he regretted to find that not only in this measure, but also in others which had been passed in the course of this Session, the Government had proposed, and the House sanctioned, a course which was inconsistent with the honour and glory of God, and opposed to the true principles of religion. Any man who had a sense, or at least a lively sense, of what we all owe the Divine Author of Christianity, would be cautious how he gave his support to any measure not in strict accordance with its dictates; and he feared that if the House countenanced this proposition, they would be forfeiting the favour of Almighty God. If we incurred that fatal penalty, where would be the strength, the security, or the lasting prosperity of this nation? The House was now called upon to take a step which in his conscience he believed would provoke the Divine displeasure; and if they acceded to it, they would be deserting the duty which it became them as

reasonable men, but much more as Christian men, to discharge. The right hon. the Home Secretary had said, that theological discussions ought not to be introduced in a political assembly; but he could not admit that when theological subjects were brought before the House in its legislative capacity, they ought to be discussed on any but their proper grounds; and he was sure that if the House attempted to discuss them upon any other grounds, they would not decide them properly, satisfactorily, or conclusively to the minds of the Christian people of this country. He had not made these remarks out of any invidious feeling to the Members of the Jewish persuasion. He knew that many of them were highly estimable. The individual who filled the office of sheriff in his own county was a Jew, and he could testify that he was a gentleman most respectable in all the relations of life. He was, therefore, actuated by no feeling of hostility to the Jewish people; but feeling strongly that this measure was calculated to lead to the pernicious consequences which he had endeavoured, though very inadequately, to depict, he felt bound to second the Amendment.

Lord *John Russell:* Sir, the hon. Gentleman who has just sat down has put the question before the House on grounds which I find it impossible to avoid noticing. The hon. Member informs us that it is his opinion that it is inconsistent with our duties as Christians to assent to the second reading of the Bill before us, and thereby incur the displeasure of the Most High. Those are, no doubt, his sincere sentiments; but if the hon. Gentleman considers the subject a little, he will see that he ought not to be satisfied with the rejection of this Bill alone. The right hon. Gentleman who moved the second reading of the Bill showed that various offices were filled in this country by Jews—that Jews hold the office of magistrate—an office which I consider of very great importance, as partaking of the administration of justice, and approaching thereby to the sovereign power. That office is held by Jews; and the hon. Gentleman himself referred to an instance in his own county of a Jew having been high sheriff. If the hon. Gentleman thinks that, by pemitting that, we incur the displeasure of the Most High, and that we are acting inconsistently with our duty as Christians, he should not have suffered years to elapse, during which these things have been in existence, but should have proposed a Bill by which Jews should have been excluded from these offices. If his principle be at all a correct one, that should have been the conduct of the hon. Gentleman. But I am afraid that, even if the hon. Gentleman had introduced such a Bill and carried it, he would not have been satisfied with that. In fact, the principle upon which he proceeds is this —that political power should be confined to those who hold the same opinions as are held by the majority of the two Houses of Parliament. The hon. Gentleman himself, as regards measures passed during the present Session, measures not in favour of the Jews, not in favour of those who deny the divine authority of Christ, but in favour of other Christians who differ from the Church of England, clearly showed that, in his opinion, all political power should be narrowed and confined to the members of the Church of England. In so doing, he has taken the narrowest ground of intolerance—a ground to which I never can assent: and, therefore, in recording my vote for this Bill, I do so upon a principle directly the opposite of that of the hon. Gentleman. And when he tells me that, by assenting to measures of this kind, we incur the Divine displeasure, I really cannot deny that such is his conscientious opinion, but can only oppose to him my own conviction—as deep as is his —that by communicating all the privileges and powers of the Constitution to other subjects of Her Majesty than our Christian selves, by communicating these rights and privileges as widely as possible, by extending the charity and doing away with the rancours and animosities of religious sects, as far as lies in our power, we thereby do something to bring down upon this House, upon this country and its Legislature, the blessings of the Most High. The hon. Gentleman's conviction is, I have no doubt, a sincere one; but I likewise claim to myself the right, as a Member of this House, to a thorough conviction, on the other side, as to what our religious duties should be. I do not deny that we should invoke the blessing of Almighty God upon all our proceedings, and that, in all our proceedings, we should endeavour to conform ourselves to that which we have reason to believe is in accordance with his will My hon. Friend the Member for Oxford (Sir R. H. Inglis) has

again stated his objections to this Bill. In stating them, he attempted to meet the case made by the right hon. Baronet opposite; but I do not think that he has in any degree weakened the case which the right hon. Baronet made. My hon. Friend stated that it was the intention of the House of Lords, in 1828, to insert certain words into the Bill for the removal of the Test and Corporation Act; and that it was the intention of the House of Lords, in inserting those words, to exclude Jews. But to that the answer, by anticipation, of his right hon. Friend was quite conclusive. The House of Lords themselves propose to do away with that exclusion. They themselves are now of the opinion that no such exclusion should exist. Therefore, it matters not what was their opinion in 1828, when we have, in 1845, the solemn decision of the House of Lords that Jews may be admitted to these offices. My hon. Friend stated that we should not, merely out of respect for the Jews, on account of acts of benevolence and charity done by them, act in a manner contrary to the welfare of the nation, and inconsistent with our duty as Christians. I quite admit that; but think, with respect to the privileges proposed to be granted by this Bill, and all other privileges and powers, that the Jews have a right to claim them. When they are born in this country, and perform all the duties of subjects of the Queen, and as loyal as any other class of Her Majesty's subjects—when they contribute to the wealth of the country—when they are neither disaffected nor in any way disobedient to the laws—when, on the contrary, as is admitted by the statement of my hon. Friend, they are liberal and charitable beyond most classes of Christians, in their contributions for the relief of the needy and the indigent who are not of their own persuasion—I say, when such is the case, they have a right to claim all the privileges of their fellow subjects at our hands, and it is an injustice in us to withhold them. My hon. Friend says that the Bill is so drawn that aliens might enjoy the privileges which it designs to confer. But as to aliens, the matter is left, and properly left, to the general law of the country. This Bill will give no more right to a German Jew than to a German Christian, and the law of the country, which excludes these Jews from offices of trust and profit, will be equally cogent and efficacious after the passing of this Bill. But Jews, the subjects of Her Majesty, may fairly claim the rights and privileges of British subjects. The hon. Baronet the Member for Oxford, says, that the Jews are a nation, and that they value themselves upon being a nation. But, at the same time, whether they are a nation or not, do they not perform all their duties as individuals in this country? and, if so, it matters not whether they are or are not called a nation, or whether they are so or not, so long as they are found living under obedience to the laws. What had it to do with this matter whether the gentleman who held the office of high sheriff of Kent called the people to whom he belonged a nation, a sect, or a persuasion? Do they not constitute a part of the wealth and of the power of this country, as much as do the people of Wales or of Scotland? And suppose that any one of these Jews came under the provisions of any of the laws, suppose that he was subjected to any civil action or criminal indictment, it would not benefit him to say that he was not one of the English nation; and as he would fall, like others in such circumstances, under the penalties of the law, you should, therefore, extend to him their privileges and their benefits. On this occasion, as happened, if I recollect rightly, before, my hon. Friend reminds me of a comparison, somewhat relevant, which Dugald Stewart makes of the University which my hon. Friend has the honour to represent, to a ship or barge moored in the stream, and which serves to measure the rapidity of the current. Dugald Stewart said that the University of Oxford, not making any great progress in science and knowledge, as science and knowledge progressed, reminded him of a ship, which being moored in the stream, one could always measure by it the rapidity of the current. So am I happy to find that, not unfrequently, while my hon. Friend remains moored in the stream, we belong rather to the current, and are passing rapidly by him as he remains fixed in his position. I believe that when this question was last discussed it had not the same chance of passing into a law as it now has. It was finally defeated by a majority of the other House of Parliament; and my hon. Friend had then an assistance in his opposition, which I am glad to think he is not likely in the present instance to obtain. Knowledge upon this subject has since greatly increased, and it is now fast

outstripping my hon. Friend in its course. I am glad of this, because there was a great admission made during the time when the Bill to which I have referred was under discussion in Parliament. The Bishop of London is reported to have said on that occasion, in the other House, that he did not object to the Bill, because it led to the admission of Jews to offices of trust in the State, and to seats in Parliament. He objected to it because it took away from the Constitution of this country its distinctive character of Christianity. Of a similar kind were the objections made to the Bill in this House. The right hon. Gentleman who favoured us the other night with a most able speech on another subject, but whom I do not now see in his place assisting my hon. Friend—I mean the right hon. Gentleman the Member for Newark (Mr. Gladstone)—made this statement:—

"If it was possible to draw a broad line of principle between a Bill to admit Jews to municipal offices, and one to permit them to hold other offices, including seats in Parliament, the subject would be different from that which they had now to discuss: but he was satisfied that such a line could not be drawn; and the advocates of this measure must, to be consistent, follow it up with another, throwing open to Jews seats in Parliament, and all other offices which might be held by Christians. . . . . His reason for opposing the Bill was this—that the profession of the Jews was of itself in the nature of a disqualification for legislative office in a country where Christianity was interwoven with the institutions of the State."

Such was the statement of the right hon. Gentleman. I know how well qualified he is to maintain his opinion, and I conclude, from his absence to-day, that he no longer maintains that opinion; and I am happy to conclude that he is of opinion that the admission of Jews to municipal offices will lead to their admission to offices of trust in the State, and to seats in Parliament. He was not the only Gentleman who held that opinion. The right hon. Gentleman—a far greater authority, as holding high office in Her Majesty's Councils—I mean the right hon. Gentleman the Chancellor of the Exchequer—made the same objection. In answering my right hon. Friend the Member for Edinburgh (Mr. Macaulay), he said, that—

"The right hon. Gentleman complained that this particular measure was opposed, as if it involved the admission of Jews to all privileges whatever. But did the right hon. Gentleman really mean to deny that this measure was not viewed as a stepping stone to ulterior objects? Did the right hon. Gentleman expect that any Member of the House who had witnessed antecedent proceedings would be so credulous as to suppose that those who urged the present measure aimed at nothing beyond throwing open corporate privileges?"

So spoke the right hon. Gentleman in 1841. Now, Sir, I am not one of those who are so credulous as to suppose that the Jews will not aim at greater privileges than those contemplated to be conferred upon them by this Bill. I myself, some time ago, presented a petition, in which many Jews, belonging to London, and to other places in this country, stated very frankly, that, while they would be glad to have this measure passed, they did not abate one jot of their claim to higher and greater privileges. Why, Sir, I agree with them—I agree with the right hon. Gentleman the Member for Newark, and with the right hon. Gentleman the Chancellor of the Exchequer, that the only principle upon which I can agree to this Bill is, that it will lead to the admission of Jews to higher privileges. I did not conceal, in 1841, that if they came and asked for these privileges, I should be ready to grant them. Although there may be times when religious questions may interfere with the performance of duties of this kind, yet, in the great majority of instances, I should be perfectly ready to trust a Jew, having a firm confidence in his own belief, with all the functions which, as holding a political office, he would have to discharge. His religious belief would not, in my opinion, in the slightest degree interfere with the faithful and sufficient discharge of his political functions. My hon. Friend (Sir R. H. Inglis) maintains the opposite doctrine, and brings rather a singular authority—not singular for me, or for any other Gentleman on this side of the House to quote; but certainly so, as quoted by my hon. Friend—I mean the late Dr. Arnold. Every one knows that Dr. Arnold entertained the opinion, which I think was a benevolent but a visionary theory, that, by uniting in one the religious and political communities, you could have a State with a large comprehension of religious differences, which would be animated by one general religious belief, and one religious hope. But for this purpose he proposed that all Christians, Roman Catholics and Dissenters of every

kind, should be admited into his notion of the community, political and religious, which he proposed should supersede our present imperfect institutions. Is that the notion of my hon. Friend? I can conceive a person, who has so large and comprehensive a scheme as that, holding that it would not suit with that scheme to admit Jews into it. I can conceive the author of such a scheme thinking that he could establish no sympathy between Jews and Christians, and that, as a religious man, he must hold himself separate from the Jews, whom he could not admit into his republic. But my hon. Friend holds no such enlarged or comprehensive opinions. He is not willing to extend the bounds of the political community. He has, therefore, no right to this exclusion. He has no right to say that he would forbid Christians who differ from the Church of England to hold certain offices—the office of Lord Chancellor, for instance—and, at the same time, coolly take the benefit of Dr. Arnold's opinions as to the Jews. Either let him take the whole of Dr. Arnold's theory, which I conceive an unsubstantial theory, or let him not quote Dr. Arnold. I am sure that nothing could be more repugnant to Dr. Arnold's opinions than to have these opinions quoted solely in behalf of the exclusion of the Jews, while, at the same time, all that is liberal and comprehensive in these opinions is either withheld or unacknowledged. For these reasons I shall give my hearty assent to the present Bill. I do not even find fault with it on the score that it is not so comprehensive as I could wish it to be. It is in strict conformity with the privileges already granted to the Jews, and I hail it as a step to further measures, thinking it will tend to extend the charitable feeling by which the members of this community should become united together; and I not only heartily give my vote to this measure, but promise it to that further measure which the Chancellor of the Exchequer expects, by which Jews will be admitted to all the offices in the State.

Mr. *Trelawny* said, that he must appeal to the patience of the House, under the circumstances in which he was placed, although there was evidently a desire to divide as soon as possible. He had put a Notice of Motion on the Books last year on the subject before the House, and had then given way in deference to a wish of the right hon. Gentleman at the head of the Government, who desired the discussion, on that occasion, of another measure. He would at different times have travelled a thousand miles to support the claims of the Jews, and this was his claim to be heard. He considered this Bill as an instalment; as such it should be received, and he would not throw impediments in the way of reforms, by sneering at the inconsistency of those who, for the first time, gave them support. It was said Jews were a nation *sui generis*, that their habitual feeling incapacitated them from taking such an interest in the welfare and happiness of countries in which they lived, as could be alone said to confer a good title to a full participation of political rights. This the Jews deny. They refer to the Report of the Sanhedrim called by Napoleon in 1806, a Sanhedrim which consisted of eighty of the most intelligent Jews of France and Italy, of whom it was required that they should state what were the principles of the Hebrew religion in relation to social and political affairs. They stated that it was the duty of Jews to love and regard as their brethren and co-religionists all who afforded them, not merely the advantages of civil society, but even hospitality and protection. It might be said, however, that Jews did not deserve belief when laying claim to the highest privileges attainable by human beings. This was most unfair and unworthy of Christian charity, when it was recollected that nothing but a few words namely—"on the true faith of a Christian"—excluded Jews from that House. He would ask whether conscientious scruples were so cheap, that the House could afford to despise them? Those who maintained the doctrine that promises were literally binding, and thereby denied themselves great advantages accessible to others, were especially worthy of credit. Why not then be content with a promise from Jews on taking office, that they would never, in the exercise of their duties, come to any decision at variance with the interests of the community at large? The House might as well trust them, making that promise, as trust them as it now does, that they will not get within its walls by using the necessary form of oath for admission, whilst they remain, in fact, in their secret souls Jews. The hon. Baronet (Sir R. Inglis) had said Christianity was part of the common law of the land. Now, he would ask, what was Christianity? Was a belief in the Trinity

essential to the idea? Then, if so, Socinians were not Christians, and they ought to be excluded from all offices which they may now hold, but which are not accessible to Jews. The opinions of Dr. Arnold had been mentioned. His principle was embodied in the dictum, "comprehension without compromise." But all the arguments by which he advocated the inclusion of all Christians within the pale of the law, would go equally to the inclusion of all religionists whatever. The Jews had been shamefully treated. In times past it had been criminal to suckle or nurse a Jew's child. Proclamations had been offered by Sovereigns of this country, conferring treacherous favour on this persecuted sect, that it might be pampered for future extortion. One Jew was compelled to give up his gold by suffering the loss of a tooth daily till he discovered where he kept it. They had been called usurers. What wonder that they sought the acquisition of gold, when they couldn't hold land by law, and were daily liable to expatriation? Then it was said it would be impious to emancipate Jews, because the will of the Deity was expressed in Scripture that they should never hold offices in the countries in which they lived. He would ask which was most impious, to affirm that something prophesied had not come to pass, or to attempt to bring about an effect apparently contrary to prophecy? The latter might result from mere misconception of language. The former deliberately affirmed that what was prophesied had not come to pass. For he could prove that in some instances Jews had held all offices in the State as well as other citizens. Then the hon. Baronet (Sir R. Inglis) maintained that if Jews were admitted, Hindoos, Parsees, and so forth, might claim admission. Well, if any large number of the people turned Mahomedans (not a very probable hypothesis), it would be but right they should be represented. The electors ought to decide on the qualifications of a candidate. Nor let it be said that his choice was already restricted by the requisition of an income of 300*l.* a year. That was not their question. The question was, ought a man (being a Jew) to be rejected if he had 300*l.* a year? Considering, then, that there were no good reasons for depriving Jews of the benefit of the general principle, that religious opinions ought to be no bar to office, considering their high intelligence and great general integrity as citizens, he thought the time was come when their disabilities should be withdrawn, and when they should be placed in as favourable a position as regards civil rights as persons of other persuasions.

Mr. *Monckton Milnes* said he should support the measure, and regretted that any prejudice against admitting the Jews to civil privileges should exist. He had lately witnessed in the Government of Prussia a most dangerous and immoral effect, arising from the encouragement given to those prejudices against the Jewish nation. He had there seen, in the midst of a highly civilized community, an animosity against this race hardly surpassed in the United States by that existing between the black and white races. He was sure this measure, and every other the House could pass of a similar tendency, would be productive of useful and beneficial effects, not only to the Jews of this country, but to those of every other nation where they were at present so cruelly persecuted. He was sure that the disabilities to which the Jews were subjected were injurious to those who imposed them; while the pride thus fostered, and the principles encouraged, were totally opposite to the spirit of Christian charity. He was convinced that civil rights and privileges should be extended as far as was consistent with the safety and security of the Christian religion. He congratulated the Jews on their present position. On a former occasion only two Members supported a similar attempt to remove their disabilities, and he himself was then held up to obloquy for so doing. He was gratified to find that in supporting their claims now, he was only going with the stream. He did not question the motives which induced hon. Members who formerly opposed the claims of the Jews now to support them; but he should look with great curiosity at their names in the division.

An hon. *Member*, whose name we could not ascertain, briefly supported the Bill.

The House divided on the Question, that the word "now" stand part of the Question:—Ayes 91; Noes 11: Majority 80.

List of the AYES.

Aglionby, H. A.	Barnard, E. G.
Ainsworth, P.	Benbow, J.
Arundel and Surrey, Earl of	Bowles, Adm.
	Bright, J.
Baillie, Col.	Broadwood, H.
Baine, W.	Brotherton, J.
Baring, rt. hn. F. T.	Cardwell, E.
Baring, T.	Christie, W. D.
Baring, rt. hon. W. B.	Cockburn, rt.hn.Sir G.

Colebrooke, Sir T. E.	Morrison, G.
Corry, right hon. H.	Muntz, G. F.
Denison, J. E.	Murphy, F. S.
Divett, E.	Nicholl, rt. hon. J.
Duncan, Visct.	O'Connell, M. J.
Duncan, G.	Ogle, S. C. H.
Duncombe, T.	Pattison, J.
Dundas, F.	Pechell, Capt.
Fielden, J.	Peel, rt. hn. Sir R.
Forster, M.	Peel, J.
Fremantle, rt. hn. Sir T.	Plumridge, Capt.
French, F.	Polhill, F.
Gaskell, J. M.	Protheroe, E.
Gibson, T. M.	Roche, E. B.
Gill, T.	Rous, hon. Capt.
Gordon, hon. Capt.	Russell, Lord J.
Goulburn, rt. hon. H.	Sandon, Visct.
Graham, rt. hon. Sir J.	Seymour, Lord
Greene, T.	Smith, J. A.
Halford, Sir H.	Smith, rt. hn. T. B. C.
Hamilton, C. J. B.	Somerville, Sir W. M.
Hamilton, Lord C.	Stewart, P. M.
Harcourt, G. G.	Sutton, hon. H. M.
Hawes, B.	Thesiger, Sir F.
Herbert, rt. hon. S.	Thornely, T.
Hope, hon. C.	Trelawny, J. S.
Hope, G. W.	Vane, Lord H.
Irving, J.	Villiers, hon. C.
Jermyn, Earl	Warburton, H.
Jones, Capt.	Ward, H. G.
Lennox, Lord A.	Wawn, J. T.
Lincoln, Earl of	Wellesley, Lord C.
Lowther, Sir J. H.	Williams, W.
Mackenzie, W. F.	Wood, Col. T.
M'Neill, D.	Yorke, H. R.
Mangles, R. D.	
Milnes, R. M.	TELLERS.
Moffatt, G.	Young, J.
Morris, D.	Baring, H.

List of the NOES.

Carew, W. H. P.	Newdegate, C. N.
Dickinson, F. H.	Pringle, A.
Estcourt, T. G. B.	Richards, R.
Goring, C.	Spooner, R.
Hope, A.	TELLERS.
Lefroy, A.	Inglis, Sir R. H.
Lockhart, W.	Plumptre, J. P.

Bill read a second time.

POOR LAW (SCOTLAND).] The *Lord Advocate* having moved the Order of the Day for a Committee of the whole House on the Poor Law Amendment (Scotland) Bill,

Mr. *Lockhart* said, the Bill as it now stood was in many important particulars different from the original measure, and he thought it was only fair that the people of Scotland should have an opportunity of considering it in its amended form; but he should not persist in his Motion for its postponement.

House in Committee.

On Clause 73, providing for the removal of Irish paupers,

Sir *J. Graham*, in reply to the observations of the hon. Member for Lanark, said, that when the Bill was first introduced, it was intimated by the Government that it was impossible to make such a measure perfect in the first instance, and that Amendments would necessarily be introduced in Committee, founded on the information and the arguments advanced by those who were locally acquainted with the country. For the change introduced in this particular clause he was himself responsible, as, upon mature consideration, he did not think the clause, as originally brought in, was sufficient.

Mr. *P. M. Stewart* said, all that had transpired in regard to this Bill showed the propriety of postponing this measure till a future Session. He had exhausted all fair means to effect the object, and he trusted that he should resort to none that were unfair. He must say that the Scottish Members had not been fairly treated in regard to these alterations, which had been introduced by the Government without any intimation whatever.

Sir *J. Graham* observed, that whatever might be the law of settlement in England, and whatever might be its defects, he admitted that Scotchmen and Irishmen were entitled to the full benefit of it on a perfect equality with Englishmen.

Sir *G. Clerk* contended, that as to settlement no difference should be made between the natives of Scotland, England, and Ireland. He cordially supported the clause, and denied that there was any general feeling against the Bill in Scotland; on the contrary its principle was approved of, and the petitions against it principally referred to matters of detail.

Mr. *Duncan* approved of the provision of the clause, requiring a five years' industrial residence to obtain a settlement. He contended that its application was universal.

Mr. *Darby* thought that Englishmen, Scotchmen, and Irishmen, should be put on the same footing respectively in the three countries. He approved of the clause as effecting this object.

Mr. *P. M. Stewart* objected to the hurried mode in which alterations had been introduced into the clause. He approved of the provision requiring five years' industrial residence.

Sir *W. Somerville* hoped that the poor Scotch in Ireland would be treated as the

clause proposed to treat the poor Irish in Scotland.

Clause agreed to with verbal Amendments.

Remaining clauses agreed to.

House resumed.

Report to be received.

BILLS OF EXCHANGE.] On the Motion of Sir *J. Graham*, the Bills of Exchange Bill was read a Third Time.

Mr. *M. Gibson* moved to add the following proviso to the 1st Clause :—

"That the Proviso in the recited Act, that nothing therein contained shall extend to the loan or forbearance of any Money upon security of any lands, tenements, or hereditaments, or any estate therein, shall not be continued by this Act."

The House would observe that this Bill was for the continuance of an Act which passed in 1839, abolishing the usury laws, as to Bills of Exchange, and loans above the value of 10*l*. The former and present Bills contained each a proviso exempting from their operation "lands, tenements, and hereditament." Money could not be raised on these, except at 5 per cent. Now, his proviso was for the purpose of abolishing this exemption. His object was to give a more free scope to the system of legislation which had now continued for several years. He believed they were indebted to the hon. Member for Kendal, for the first inroad on the usury laws. A period of twenty-two years had elapsed since that attempt was made, and he thought the most timid and apprehensive person could not object to see the principle carried further. Indeed, it was most difficult to understand why one portion of the community should be at liberty to make their own money bargains, and another deprived of any such power. He could perfectly understand that one rate of interest should be fixed by law for the whole community; but could not understand that some should be allowed to raise money on personal security, at any rate of interest they thought fit, and that others should not be able to do so on their title-deeds or other landed security. He believed this restriction was extremely injurious to the landed interest; and that was not his opinion solely, but that of the Committee, composed of most able men, who sat on the subject of our usury laws, in 1818. Their First Resolution was :—

"That it is the opinion of this Committee, that the laws regulating or restraining the rate of interest have been extensively evaded, and have failed of the effect of imposing a maximum upon such rate; and that of late years, from the constant excess of the market rate of interest above the rate limited by law, they have added to the expense incurred by the borrowers on real security, and that such borrowers have been compelled to resort to the mode of granting annuities on lives, a mode which has been made a cover for obtaining higher interest than the rate limited by law, and has further subjected the borrowers to enormous charges, or forced them to make very disadvantageous sales of their estates."

The Third Resolution was :—

"That it is the opinion of this Committee that the present period, when the market rate of interest is below the legal rate, affords an opportunity peculiarly proper for the repeal of the said laws."

Now, the present moment was just such as the Committee referred to, when there were advertisements every day offering money at 3½ and 4 per cent. on good landed security, their law was inoperative. But it might happen that the market rate would rise above the legal; and should that be the case, the landholder could not raise money at 5 per cent., but must have recourse to annuities, or to the sale of his estate at a great sacrifice. It was well known that in building transactions, men were now greatly jeopardized by the uncertainty attending the usury laws. Amongst the witnesses examined before the Committee to which he referred, were Sir S. Romilly, and Sir E. Sugden. The testimony of the former was—

"Has your experience enabled you to form an opinion as to the operation of the usury laws upon the landed interest?"—As far as my experience goes, I should say, that the laws against usury are very injurious to the landed interest. The effect of them, I think, is, that when the proprietors of estates are under the necessity of raising money at times when money is extremely scarce, they are obliged to raise it by the granting of annuities or in other modes extremely disadvantageous to themselves."

Sir E. Sugden, the ablest real property lawyer of this country, was also examined. He was asked—

"Have the usury laws been beneficial, or otherwise, to the landed proprietor?—They have been decidedly inimical to the interest

of the landed proprietor. Every landed proprietor will have money when he wants it, and there are always two rates of interest; one the market rate, the other the legal rate. If the market rate rises above the legal rate, the landed proprietor must necessarily resort to some shift to evade the usury laws; this is done under the colour of granting life annuities. In all such dealings, the transaction is, in truth, a loan; the party advancing the money always fixes upon a rate per cent. at which he is willing to lend the money, to which he adds the costs of the insurance. The higher the terms are, the more the transaction assumes the shape of a loan, because the very exorbitancy of the terms renders it an act of duty on the part of the borrower towards himself to repurchase the annuity as soon as he possibly can; for in all these cases, without any exception, a power to repurchase is inserted in the grant of the annuity. And, in speaking of such transactions, I have invariably observed, that the parties treat them as loans, and not as a purchase out and out of an annuity.

"Are you aware of any inconvenience that would result from the repeal of those laws?—I have latterly turned that over frequently in my mind, and I entertain a confident opinion that the repeal of those laws would not in any manner prejudice the landed interest."

The fact was, these laws were the last remnant of a barbarous system of legislation, and should not in any way be countenanced by the Legislature, after the experience we had had of the working of a contrary principle.

Clause brought up and read a first time.

On the Question, that the clause be read a Second Time.

Mr. *W. Williams* said, that if the Bill were allowed to pass, he should support the hon. Member for Manchester (Mr. M. Gibson). He (Mr. Williams) could see no reason why land should be excepted from the general rule in the transactions to which this measure referred. He considered, however, that the Bill ought not to pass for the period proposed. He considered five years far too long for its duration. He considered that its tendency would be to inflict a great evil upon the smaller class of shopkeepers and persons of the same rank in life. He did not say that the rate of interest should be restricted to five per cent., but he thought that some limits should be fixed. Wherever usury had prevailed, the most injurious consequences had ensued. In a great number of bankruptcies it would be found that the parties had failed in consequence of the exorbitant rates at which they borrowed capital. He knew himself one instance where a man, formerly in affluent circumstances, had become reduced to deep indigence. The cause of this was discovered to be the usurious terms at which he had borrowed money. He obtained a loan at as high a rate of interest as 60 per cent. He (Mr. Williams) could remember that at the period from 1839 to the beginning of 1841, as much as 15, 20, and 25 per cent. was paid upon advances of money for investment in trade. He could not assent to the argument that had been used by the hon. Member for Manchester, that money should be had as freely as possible. He (Mr. Williams) thought that while the precious metals did not form the only circulating medium, but forty-five to fifty millions in bank notes were in existence, it was highly inexpedient to leave the rate of interest without defined limits. He might refer to the whole current of ancient and modern history for confirmation of his assertion, that the sanction of usury had constantly injured nations. Besides, there were the denunciations of Scripture against the crime. ["Hear."] Hon. Members might disregard that as an authority; but if it were to have its proper weight, then the denunciations against the vice of usury should be attended to as dissuasives from the policy the hon. Gentleman recommended. The class of persons most liable to be injured by the abolition of the usury laws would be the most weak and needy class of the community; and those who would prey upon their necessities would be the most grasping and rapacious. It was to protect the former that he should consider it his duty, if the Bill were proposed to be passed for more than one year, to move that it pass that day three months.

The Chancellor of the Exchequer felt himself relieved from going deeply into the question by the great discrepancy between the position of the hon. Member for Manchester, and that of the hon. Member for Coventry (Mr. Williams). Seeing the lateness of the Session, he had abstained from raising a discussion upon a topic which he knew, if entered upon, would have had the effect of postponing the passing a measure which he believed had proved useful to the community. The Bill, in fact, was only a renewal of the Acts which had passed in 1837, 1839, 1840, 1841, 1843, and 1845. The hon.

Member for Manchester had complained that the effect of the clause he proposed to exclude, had been to prevent the extension of building speculations. He would refer to the rapid progress of building in the metropolis and its vicinity, to show how little this effect had followed. There was a good reason why they should not suddenly abrogate the provision. If they were to start *de novo*, no doubt the freedom of money would be beneficial to the landed interest; but circumstances had occurred which prevented the landed proprietors from acting upon the same terms with the lender as others who had borrowed money. The lender had frequently the power of compelling the landed borrower to pay money at a rate above the average value in the market. No doubt the landed proprietor might originally have made arrangements for his own protection; but it would be unfair to alter the existing system without giving time to the landed interest to make such arrangements as would relieve them from the chance of exaction. Without then deciding the question whether the distinction ought for ever to continue between money borrowed upon land and upon other security, he thought that the House would do well to continue the existing law for the limited period proposed by the present Bill. He did not think it necessary to enter into a discussion with the hon. Member for Coventry as to the benefit of the usury laws. That question had been already decided. He would only say that he believed many traders in this city had been saved from ruin by being able to borrow, at short periods, the sum necessary for preserving their credit.

Mr. *Francis T. Baring* collected, from what had fallen from the right hon. Gentleman the Chancellor of the Exchequer, that he was not unfavourable to the principle of the clause. He would suggest that if the Government, in a future Session, would consent to the appointment of a Committee to examine into the effect of the usury laws on the landed interest, and have an inquiry into their operation, it would be better to pass the Bill in its present shape without this clause. Such an inquiry, he had no doubt, would have the effect of convincing every man (he only wondered that a sensible man could have any difficulty as to the point) that they were, in point of fact, by being exempted under this Bill, suffering great inconvenience. With respect to the limitation of the period, the late Government, he must remind the right hon. Gentleman, had always proposed that the Bill should be permanent; it was the House of Lords which limited the term to one or two years. Not only were former Bills, as they had been introduced, permanent, but they were also general, not exempting the landed interest. In the present state of our legislation, the usury laws did not apply to Bills running for three months. What sense there was in freeing Bills for three months, and not also Bills for twelve months, he could not see. Nothing was more apparent, from the evidence before the Committee, than that a repeal of the usury laws would be beneficial. He regretted that the Chancellor of the Exchequer had thought it necessary to make his measure a mere continuation of the former Bill, for there had been trial enough of the principle, and the Bill might have been made a permanent one, without exhibiting that appearance of insecurity which a temporary measure presented. He hoped, at all events, that the right hon. Baronet would allow a Committee next year.

Sir *R. Peel* said, that when it had first been proposed to relax the usury laws, great opposition had been made by many parties connected with commerce. They had argued that the relaxation would subject them to the greatest inconvenience, and the greatest danger, inasmuch as it would enable persons to exact an interest of more than five per cent upon money. But experience had proved that the relaxation was of the greatest possible advantage to commerce, and that the prohibition to advance money upon good security for what that money was worth, really operated most injuriously on commerce. He did not believe that the present restriction respecting the advancement of money upon land, was for the benefit of the landed interest. But he was aware that great apprehension was entertained upon that subject; and he did not think it would be advisable, by any immediate and violent change, to create great and unnecessary alarm. He could, under these circumstances, see no objection to the appointment, during the next Session, of a Select Committee, which might by its labours throw new light upon the subject.

Mr. *Warburton* thought his hon. Friend might be perfectly satisfied with the result of the discussion, as he had obtained the

admission that the trade in money ought to be as free as the trade in any other commodity. There had been ample experience of the good working of the Bill, both when there was a great pressure upon the money market, and when there was an abundance of money. He recommended his hon. Friend to take the Five Years' Bill, which was a further extension of the principle than had yet been obtained, and to bring in a Bill next year to do away with the usury laws as applicable to the landed interest.

Mr. *Vernon Smith* recommended his hon. Friend not to press his Motion to a division.

Motion negatived. Bill passed.

House adjourned at a quarter past one.

HOUSE OF LORDS,

Friday, July 18, 1845.

MINUTES.] BILLS. *Public.*—1ª. Unclaimed Stock and Dividends; Geological Survey; Bills of Exchange, etc.; Criminal Jurisdiction of Assistant Barristers (Ireland); Lunatic Asylums and Pauper Lunatics; Lunatic Asylums (Ireland).

2ª. Waste Lands (Australia); Apprehension of Offenders; Field Gardens; Loan Societies; Highway Rates.

3º. and passed:—Foreign Lotteries; High Constables.

Private.—1ª. Gravesend and Rochester Railway; Yoker Road (No. 2); South Eastern Railway (Greenwich Extension); Dublin Pipe Water.

2ª. Earl of Powis's (or Robinson's) Estate; Brighton and Chichester Railway (Portsmouth Extension); Guildford, Chichester, and Portsmouth Railway; Glasgow, Barrhead, and Neilston Direct Railway.

Reported.—West London Railway Extension and Lease; Westminster Improvement; Marsh's (or Coxhead's) Estate; Newport and Pontypool Railway; Monmouth and Hereford Railway; South Wales Railway; Marquess of Donegall's Estate.

3ª. and passed:—Follett's Estate; Duke of Bridgewater's Trustees' Estate; Aberdare Railway; Norwich and Brandon Railway (Diss and Dereham Branches); Saint Helen's Improvement; Winchester College Estate; Liverpool and Bury Railway (Bolton, Wigan, and Liverpool Railway and Bury Extension).

DISTURBANCES IN LEITRIM.] The Marquess of *Clanricarde* presented a petition from magistrates, resident gentry, and inhabitants of the county of Leitrim, setting forth the disturbed condition of the county, and praying for the adoption of measures for the protection of life and property. The petition suggested that the law which granted compensation to be levied on the county or barony, in case of malicious injury being done to a particular description of property, should be extended to all kinds of property, and also to injury inflicted on the person. It appeared from the newspapers that 500*l.* had been awarded as compensation to the widow of Mr. Booth by the grand jury. He had not been aware that that could be done; but, if not, the law ought to be altered; it would impose a considerable check on such outrages, and be an inducement to the respectable neighbours to prevent crime or apprehend the murderer. The noble Marquess then said, that he would proceed to ask the Government, pursuant to notice, what course they meant to pursue with regard to Mr. Watson, a magistrate and deputy-lieutenant of the county of Antrim? It had been thought proper not to renew the Party Processions Act, which expired a few weeks ago; and on the 23rd of June a meeting was held in Lisburne, attended by 300 masters of Orange lodges, and presided over by Mr. Watson—a most respectable gentleman, and extremely popular in his neighbourhood, but whose conduct in his public and official capacity, must not therefore go unnoticed. Resolutions were passed at that meeting, and signed by him, to reorganize the Orange institutions in the county, and to meet on one of the July anniversaries, and march in procession to the parish church, where a sermon was to be preached on the occasion. Now, magistrates were dismissed very unceremoniously in 1843 for attending Repeal meetings or subscribing to the Repeal Association. At no one Repeal meeting had there been any serious affray, still less any loss of life; but this had not been the case with the Orange meetings, with respect to which there had been over and over again cases in which magistrates had been called upon to act. He did not approve of the dismissal of the Repeal magistrates; he deemed it unconstitutional and unjust, and he believed at the time it would be one-sided; but, at any rate, it showed the wish of Government to discountenance Repeal and Repeal meetings. It was said that this was done because Parliament had disapproved the object of the Repeal meetings; but what did the Act which had just expired show, except that both Houses of Parliament and the Crown had serious objections to the Orange processions? The meetings in the one case also were held for the purpose of petitioning Parliament, but in the other case there was no such object. He had, however, deemed it unwise to dismiss the Repeal magistrates, because, in the first place, it gave countenance to the opinion that men acting as magistrates were liable to be influenced in their judical duties by

their political opinions; and in the next place, it removed from the Bench those who held opinions in unison with the mass of the population, and was calculated to throw suspicion on the administration of justice. He feared that the Government had overlooked this gentleman, whose case was more flagrant than the others, and had taken no step on the information he had given that he was about to reorganize the Orange societies and the Orange processions. In a letter addressed to this gentleman by a noble Marquess (the Marquess of Londonderry), he in the strongest way deprecated the opinions advanced in the resolutions, and had given his reasons against the course proposed. What he now wanted to know was, whether the Government, after they had taken upon themselves the responsibility of doing away with the Act, which applied only to one party, had made any arrangements in its stead—whether they had paid the same attention as the noble Marquess to this matter—whether they had taken any steps to rebuke this gentleman for what he had done in reference to these proceedings, and had dismissed him from the commission of the peace? His formal question was, whether there had been any correspondence with Mr. Watson, or any steps taken to remove him from the commission of the peace, in consequence of what took place at Lisburne on the 23rd of June last?

Lord *Stanley* was sorry the noble Marquess had thought it necessary to enter into any discussion of various events which had no material bearing on the present case. He regretted that the noble Marquess should have brought under the consideration of their Lordships the conduct of the Government with regard to those who had promoted or attended Repeal meetings; and he hoped it would not be thought disrespectful if he declined to follow him into preceding events, or into the question of the repeal of an Act which the noble Marquess admitted to have been one-sided. He would not, however, conceal from the noble Marquess, or from the House, that Her Majesty's Government had seen with the deepest regret, and, he would add, with no inconsiderable disappointment, the manner in which the Orange societies had, with ill-judgment, so imprudently and so recklessly acted: neglecting altogether due caution, and forgetful of the friendly spirit in which Her Majesty's Government had withdrawn the prohibition of the Act of Parliament, and disregarding also the admonitions addressed to them in every direction by those among themselves who were entitled to the greatest confidence and respect. It was a melancholy picture of the state of Ireland, that so large a portion of the population of both parties, or rather factions, should be bent so much on exasperating and aggravating those animosities which it had been the object of that and of the preceding Governments to allay. So long as both parties in Ireland persisted in their determination to treat with hostility their opponents, it was a hopeless effort for the Government or the State to improve the condition of a country torn by this unhappy violence. Her Majesty's Government, he repeated, had seen with the deepest regret what had recently taken place. He would not vindicate or palliate the course which had been pursued; but he ventured to remind the noble Marquess, that the fact of processions of one description being unattended with any violence, and that processions of another description led to affrays, did not show that any greater amount of blame was attributable to the latter party, because for an affray to take place there must be two parties. The processions of the Repealers, however aggravating and annoying the provocation might be, had been borne in silence, while the Orange processions had not met with similar forbearance on the part of their political opponents; so that the blame was not wholly on one party because the processions of that party led to affrays which the others did not. He would not now discuss the merits of the particular case which was now in a course of judicial investigation: he only wished he might express a hope that in the course of this investigation all matters would receive an impartial, as well as a judicial inquiry With respect to this gentleman—if the facts were as reported to Her Majesty's Government—they would deeply regret that a gentleman, in other respects of high worth and respectability, should have been so misguided as to lend his name and his character—and the higher the name the greater was the evil—to this display of party feeling and animosity. The noble Marquess, however, was wrong in supposing that no steps had been taken by Her Majesty's Government with respect to this gentleman. He would not say that he

would be removed from the commission of the peace; but the right hon. Gentleman the Secretary for Ireland had directed the attention of the Lord Lieutenant to the proceeding; subsequently there had been communications between his right hon. Friend the Secretary of State for the Home Department and the Lord Chancellor of Ireland on the subject, and he had reason to believe, though he was not certain of the fact, that the gentleman had been called upon to explain, and that upon consideration the matter would be dealt with as should be deemed best. He trusted that the noble Marquess would not call for a premature declaration of the course which Her Majesty's Government would pursue. The subject had not escaped their attention; they had viewed the occurrences with the deepest regret, and he hoped the noble Marquess did not express his own supposition when he doubted whether Her Majesty's Government would act with anything except impartiality with respect to similar offences committed by different bodies.

The Marquess of *Londonderry* said, that with respect to the character of this individual, for a number of years he had occupied the highest position in the county, and that he possessed great popularity, and that up to this period, though he was a party man, his conduct as a magistrate had been most proper. He confessed that he had seen the resolutions passed at the meeting in question with regret, and had written his strong impressions against them. His noble Friend (the Earl of Roden) and others had also urged the Orange societies to take heed, as it was very easy for Parliament to re-enact the law against them; and he must say he did not believe that the great majority of the Orangemen, or the Protestants of Ireland, had taken part in these proceedings. The excuse of this gentleman was, that 15,000 men had marched in peace and tranquillity, and there had been no disturbance. This was in his own neighbourhood. With regard to the occurrences at Armagh, it was a lamentable story, and he was strongly of opinion that there were errors on both sides. He asked the Government to consider whether it would be wise and just to punish this venerable gentleman; he had been mistaken, but it would do mischief in that part of the country if anything were done against him. He believed that the speech of the noble Lord would do more good than any dismissal of magistrates, or than any resort to violent measures. For an individual so respectable great allowance should be made, though he had been misguided. In his opinion, if they would leave Ireland to herself she would right herself better than if they ripped up every occurrence, irritating one person, without conciliating the good will of the other. He had been the consistent friend of Ireland throughout; he trusted that he would always remain so; and he had given to these societies his best counsel and advice.

Subject at an end.

SYRIA.] Lord *Beaumont* rose to move, in compliance with the Notice he had given, an humble Address to Her Majesty, that she would be graciously pleased to allow to be laid before their Lordships certain Papers and Correspondence regarding the recent events in Syria. His object in moving for these Papers was, that their Lordships might have a continuation of the Papers and Correspondence furnished to the House in 1841, so that the whole subject might be laid before them in so complete a form as to enable them to draw a correct judgment of the great question in the Levant, which for some time threatened to involve Europe in war, and which, he feared, still contained the germs of future disturbance to the peace of Europe, and was the constant cause of jealousy and recrimination between England and France. He did not think that he should be wasting their Lordships' time if he dwelt for a few minutes on the actual state of affairs in Syria, as that question had been the subject of debate on two distinct occasions in the Chamber of Deputies in Paris; and such opinions had been expressed in the course of those debates as would, if acted upon, tend to interrupt any good understanding which might still exist between England and France on the subject; nor did he think the noble Earl would regret the opportunity being offered him of giving some explanation on this question, as the most injurious accusations had been brought against English agents in the East, and no attempt had been made to contradict them in the Chambers in Paris. The Papers furnished in 1841 to the House brought the history of this question down to the period when the Porte, aided by all the great European Powers, except France, had succeeded in recovering from the usurpation of Mahomet

Ali the province of Syria, together with the other dependencies in Asia which had been overrun by the arms of its powerful vassal; and it was at that period, or immediately subsequent to it, that the Great Powers signed the Protocol of the 10th of July, and invited France to reunite herself to the European Compact. France accepted the invitation, and signed the Protocol of the 10th of July on the 13th of the same month. From that time, France was considered as having abandoned her isolated position, and agreed to act in concert with the other Powers. If they followed her subsequent conduct, and attended to her present professions, they would see how far she had realized these expectations, or how far she had disappointed the hopes founded on them. On recovering Syria, the Sultan had to consult how he should govern his newly-restored Province. Under the Emir Bechir (its old form of government previous to the Egyptian occupation), civil wars, bloodshed, confusion, and scenes similar to those they now deplored, were familiar. Chief fought against chief, and feudal system and feudal strife were the characteristics of the Lebanon: to such a system of government the Porte ought not to have returned, nor could the European Powers advisedly recommend it. France alone seemed to have desired it, but the Porte resisted, and resisted with success. Defeated in this object, France next demanded a separation of the two people who inhabited the Lebanon; or, to use the words of the Minister of Foreign Affairs in France, instead of a purely Turkish and Mussulman ruled the establishment of nationality in the mountain. In this, and in the subsequent steps of the proceedings, she seemed to have taken the chief part in counselling the Divan, and to have been successful in her recommendations. A separate government was given to the Druse and Maronite people; but, not content with this, France required that even in the mixed districts and villages, the same principle should be carried out, and, consequently, the Druse were to be subject to Druse magistrates, and the Maronite to Maronite magistrates. This was adopted, and each people were to have kaimacans or vekils of their own. France having been the chief party in establishing this form of government, she ought, in reason to have allowed the system to have had a fair trial; but, instead of so doing, she professed to consider the plan as only temporary, and raised hopes and discontent by saying that she expected to obtain more privileges for the Maronites in the mountain. The Porte sought to establish municipal privileges instead of the feudal ones, and to place Lebanon on the same footing as the rest of the Pashalic; but, buoyed up by the conduct of France, and the language of her Minister, the Shahab family hoped to regain the authority they had lost. Intrigue followed intrigue, and a moment's repose was never allowed to the Government of Syria to try fairly the new principle adopted there. Constant outbreaks occurred; but if the Porte had been allowed to act independently, these outbreaks would soon have been suppressed; and if Omar Pasha, who was sent out to replace the Emir Bechir in the mountain, had been allowed to remain, we should have never heard of the war between Druse and Maronite. Unfortunately, the Porte was not allowed to act with a strong hand, and suppress revolt; but in an attempt to give a demi-independence and self-government to the two people who occupied the mountain, old feuds were revived, and the war broke out, which led to the late disgraceful scenes of bloodshed and cruelty. While alluding to the lamentations of France over these bloody scenes, and the indignation and sympathy she tried to excite on the occasion, saying that civilization and common charity imposed on Europe the necessity of interfering to stop such cruel occurences —all of which, by the by, she attributed to the suggestions of the British Consul, and the instructions of the English Government—while alluding to the outcry raised in France on this subject, he (Lord Beaumont) could not refrain from reflecting, that at the very same time, in a province which France claimed as her own, a scene had been enacted which surpassed in horror all the inventions of romances, and which, if we did not know it to be true, we would believe to be the monstrous production of the frenzied imagination of some new and unequalled compiler of horrors. Returning, however, from this digression to the subject immediately before the House, he would briefly recapitulate the events of the last few months. On the 30th of April, the Maronites, urged on by the intrigues of the Shahab family and the promises of France, had invaded the territory of the Druses; the Druses retaliated, and then commenced a species of civil war in the mixed districts, during which the cruelties alluded to had taken place. The Druses got the upper hand, when the Turkish authorities interfered, and an armistice was forced upon the

belligerents. Such being the present state of Lebanon, and the renewal of such scenes as had been described being more than probable, it behoved them to consider well what were the conduct and policy of France. From the speeches of M. Guizot, and the debates which had recently taken place in the Chamber of Deputies, he (Lord Beaumont) gathered that it was the intention of France to separate herself from the other Powers in this question, and act singly in the affairs of Syria; she claimed, on the ground of some obsolete Treaties, the exclusive right to protect the Christians of Mount Lebanon—a claim which could not hold good in respect of the Maronites, inasmuch as at the time the supposed Treaties were made, the Maronites were not in communion with Rome. France had already one man of war on the coast, and the Minister of Foreign Affairs declared that orders had been given to two others to join her. If the discontent of the mountaineers was fomented by foreign intrigue, and the insurrection of the Maronites fed by the assistance of France, there could be no hope that the Porte would be able to restore peace in the Lebanon, and put down, with a strong hand, those who dared to break it. For his own part, he (Lord Beaumont) thought it was the duty of this country to strengthen the sovereign power of Turkey, instead of attempting to diminish it in Syria; and he considered the noble Earl called on to do his utmost to persuade France not to act singly in this case, but forego her presumed right of exclusive protection of the Maronites, and join cordially with England in obtaining equal justice to Druse and Maronite, which could only be secured by establishing in full force the supreme authority of the lawful Sovereign of both populations—the Sultan. He felt he had now said enough to justify the Motion for Papers; but he should feel disappointed if the noble Earl, when he acceded to it, should not avail himself of the opportunity of explaining the intentions of Government, and also of contradicting the aspersions cast upon Colonel Rose in the French Chambers. The noble Lord concluded by moving for the Correspondence regarding Syria since 1842.

The Earl of *Aberdeen:* The Papers to which the noble Lord has referred, were moved for some time ago in the House of Commons. There is, of course, therefore, no objection to their being laid on the Table of your Lordships' House. Being very voluminous, it has required some time to prepare them; they are not yet quite ready; I hope that in the course of a few days they will be; and, when they are ready, I shall be happy to furnish them to the noble Lord and the House. The provinces to which the noble Lord has referred are undoubtedly in a very disturbed state—confusion, bloodshed, and anarchy have prevailed in them for some time past to a lamentable extent. I will not say that I give any credit to that which, however, I must tell the noble Lord, is generally believed in the country itself—that the Turkish Government is the sole cause of the warfare which has been carried on between these two people, the Maronites and the Druses. It is generally believed that the Porte, being unable to govern them with a strong hand, seeks to have the power of doing so by means of setting one against the other, and thus weakening both. Now, I do not believe that. I believe that the confusion that prevails is only the result of Turkish apathy and misrule, which are but too common in many of their provinces, and not to any such diabolical plan as that which is supposed to exist. It is true that the French Government have assumed a general protectorship over all Christians in the Levant, founding their right to do so on old Treaties and capitulations, from, I believe, the time of Francis I. I shall not enter into the question of the right which the French Government may have to exercise this protection; but, at all events, in the present case they must submit to share it with us, inasmuch as we are bound by positive engagement to attend to the condition of the population of this province. Before the expulsion of the Egyptians, the Turkish Government entered into an agreement with Her Majesty's Ambassador, that in the event of the province being recovered, the inhabitants should recover their former privileges, and that their condition should be improved. We are, therefore, bound by an obligation to see that their condition is so far improved as to fulfil the pledge which was offered by the Turkish Government. As for seeing good government established in that or any other province of the Turkish empire, I am not very sanguine. But there may be a spirit of improvement encouraged, and in this case we are under the necessity of seeing that the Turkish Government fulfils its engagement. Otherwise I do not wish to interfere in the details of the government of this province, except where some very flagrant outrage is

committed, with which common humanity and a regard for our fellow Christians should call for our immediate intervention. Generally speaking, I fear, it would be a vain attempt, indeed, to establish anything like such a government as would be satisfactory to ourselves and the public in any province; but in this province we are compelled to interest ourselves, in consequence of the engagement into which we have entered. It has happened in this and in other provinces where there are two parties, that one has been supposed to be an English, and the other a French party, and thus we are set in a sort of opposition to each other, quite contrary, as I believe, to the intention of both Governments; for I believe the object of the French Government is precisely that of the English Government, viz., without reference to Maronites or Druses, to see something like order, tranquillity, and peace, established in the country. There is no sort of foundation for the notion which the noble Lord seems to entertain, of the French Government intending to withdraw itself from its alliance in this case with the other Powers. The noble Lord should recollect that the Five Great Powers of Europe are acting together at Constantinople and in the provinces, by their Consuls: and, although in a case of such difficulty, and where there are such various interests, it is possible that a difference of opinion may more or less prevail, as to what may be the best mode of restoring peace to this unhappy country, I should say that, generally, there has been concert between all the Powers respecting the measures which ought to be pursued; and there is no reason to suppose that on the part of France, or of any other Government, there is any wish not to act in concert. I think it is quite unnecessary to occupy your Lordships' time any more on this subject. It appeared to me to be quite unnecessary to refer to the debates in the French Chambers upon the subject. Gentlemen there say what they please, as we take the liberty of doing here. But I do not feel myself bound to answer accusations which were made without any foundation whatever. I have not seen any report of the debate to which the noble Lord has referred, and I am not aware that any authority has been given by the French Government to such accusations; and, therefore, it is quite unnecessary to occupy your Lordships time by adverting to them. But I will say that there have been accusations made against the English Consul General in Syria which are not only most unfounded, but are without even a shadow of foundation; for, although it is generally supposed that England has espoused the cause of the Druses, and France has taken the Maronites under its protection, yet, to show how little truth there is in that opinion, I may mention that, very recently, Colonel Rose, Her Majesty's Consul, having been informed that a body of Maronites were in prison and in danger of losing their lives and property, got up at twelve o'clock at night, mounted his horse, and proceeded on a long and difficult march to the place where these people were confined. He found 600 persons, men, women, and children, and by his exertions and the influence he exercised, at the head of a considerable column, under a burning sun, in a two days' march, he brought them safely to Beyrout, and thus liberated these Maronites from danger in which they were placed. Therefore, your Lordships see that, though other gentlemen may write moving and pathetic despatches, the English Consul General exposed himself to actual fatigue and to some danger in rescuing these persons, who approached him with an appeal requiring his aid as their friend. This is the only feeling upon which I should always wish to see English agents act. While others indulge in eloquent descriptions of the sympathy they felt, yet so long as the English agent did the sufferers real service, I think your Lordships will be satisfied with the comparison which his conduct may bear with any other friendly Power. Such was the manner in which Colonel Rose acted towards the Maronites. And as to supporting the Druses against the Maronites, and encouraging their destruction by the Druses, that must clearly be an absurd imputation, hardly worthy of refutation. But so far from the Druses being protected by us, so far as I am aware of any motive that could influence our conduct, it would be most natural for us to protect the Maronites; they are Christians and Roman Catholics; they are persons who have many claims upon us, and who acted zealously in support of our measures in freeing the country from the Egyptians, whereas the Druses have no claim upon us whatever. Their religion is neither Christian nor Mahomedan; it is some superstition which nobody knows anything about; some say it is the worship of the Golden Calf; but, be that as it may, the others are certainly Christians, and deserving of our sympathy. But our object

is to establish justice; that whether Christians or Druses, justice may be administered without partiality, or predilection, or interference with the Turkish Government. I hope we shall never do that which will not be justifiable towards an independent State, as it is our object to obtain the improvement of the condition of the people with as little interference as possible with the sovereign rights of an independent State—a State which, however imperfect may be its government and its condition in many respects, we have an interest in preserving and strengthening by all the means in our power. As there is no objection to produce the Papers, I do not see that it is necessary for me to trouble your Lordships any further.

Lord *Beaumont* said, he wished the noble Earl had read the debate in the French Chamber, because he would have seen that M. Guizot did not abandon the principle of acting alone, and was prepared to act in favour of the Maronites; and that there was a difference of opinion between England and France, not as to the object, but as to the remedy. He was, however, glad he had given the noble Earl an opportunity of making the statement which their Lordships had heard.

Motion agreed to.

WASTE LANDS (AUSTRALIA) BILL.] Lord *Stanley* moved the Second Reading of the Waste Lands (Australia) Bill, in doing which the noble Lord explained the state of the law as it stood at present in the Australian Colonies with reference to waste lands. One object of the Bill was to authorize the Governor of New South Wales to grant leases of waste lands within or without the limits of the Colony, on the same terms as the other lands were disposed of, namely, by auction. It was proposed, however, to restrict the leases to twenty-one years at the outside. The produce of the revenue to be derived under the Bill was to be applied in part to raise a fund for the encouragement of immigration of free labourers;—but this regarded New South Wales only. In Australia there was no want of capital, but there was a deficiency of labour. In Van Diemen's Land, on the other hand, there was a superabundance of labour seeking for employment. This, resulted, in great part, from the excess of convict labour. We, moreover, imposed a heavy tax upon the Colony on account of the convicts we sent there. The expense incurred there for police and gaols, was 36,000*l.* per annum, whilst the rest of the expenditure was only 70,000*l.*; thus one-third of the whole expenditure of the Colony was entirely taken up by the police and the gaols. It was proposed by this Bill to retransfer to this country the proceeds of land sales, which had dwindled down to almost nothing; to take into the hands of the Government the proceeds of the sales of lands, after they had been improved by convict labour, and to release the Colony from the gaol and police expenses. It was proposed to allow the best-conducted convicts to become renters of Government land in Van Diemen's Land: whereas in New South Wales, the object was to give a certain permanency of tenure, and enable the free occupier to surround himself with some of the comforts of life. He (Lord Stanley) believed the Bill would be found satisfactory to many of those who had presented petitions to Parliament.

The Marquess of *Lansdowne* was not prepared to oppose the Bill in its present stage. He thought a case might be made out for legislative interference. But when entering upon so large a subject, he considered it was absolutely necessary that the noble Lord should make out a case of most urgent necessity before their Lordships consented to pass a Bill of this nature, especially as they were now coming to the close of the Session, and when many important measures, which had undergone great consideration, had already been deferred to another period. Many of the clauses of this Bill might be of value, and among the rest, he thought the system of granting licenses for the occupation of waste lands might be attended with beneficial effects; but there were provisions in the Bill, giving to the Governor such arbitrary powers, that he was entirely opposed to them. By the 6th Clause, persons who had already occupied parts of the waste lands under licenses, were to be made liable, at the pleasure of the Governor, to an amount of taxation almost indefinite, assuming the shape of an agistment tax. It authorized a tax upon cattle, paying a certain sum per year for every horse, sheep, and head of horned cattle depastured upon the waste lands which Her Majesty's Privy Council or the Governor might decide upon. To this he most strongly objected. Their Lordships were aware of the effect of a law of agist-

ment in Ireland; and he thought it would be a rash, inconsiderate, and ill-judged measure to introduce into Australia. He wished to impress it upon their Lordships, that they were now, in fact, laying the foundation of a principle of property which would affect two thousand miles of territory and vast millions of acres of land, and that without giving the measure such consideration as its importance demanded, and which if brought on early in the next Session it would of course obtain.

Lord *Stanley* observed, that the noble Marquess seemed to suppose that the license conferred a permanent right upon the party obtaining it. But that was not the case. It was an annual license to pasture stock.

The Marquess of *Lansdowne:* Was it not a license to occupy?

Lord *Stanley:* No; it was merely a license to depasture stock within a certain district. The Governor was at the present moment perfectly free to fix from year to year the amount to be paid by each party obtaining a license.

Lord *Monteagle* objected to the 6th and 13th Clauses, which he believed had excited the greatest possible apprehension and alarm. He objected to their provisions as perfectly without precedent. In 1842, an Act was passed regulating the sale of Colonial property; but the proposed Bill, which extended to the whole of the Australian Colonies, suspended the operation of the existing Statute law of the land so long as any Colony should continue to be a place to which felons might be conveyed for punishment. The noble Lord stated that he meant it to apply only to Van Diemen's Land; but an Order in Council, by sending even as few as ten felons to New Zealand, or any other Colony, would extend the provisions at once to those places.

Lord *Stanley* explained, that the Bill could not apply to any existing Colonies, as their charters would not permit the sending of felons there; but if new Colonies should be established, and it should be deemed necessary to found new penal settlements in such places, but for the provision referred to, those Colonies would be subject to the old Land Sales Act.

Lord *Monteagle*, in continuation, expressed his regret that the Bill had been introduced at so late a period of the Session, not only on public grounds, but also for the sake of the noble Lord himself. It was clearly impossible, at this period of the Session, the measure could be well considered; and it was more than probable that, if considered, it would not be satisfactory.

Lord *Polwarth* expressed a hope that the provision which made some amends to Van Diemen's Land for the expense incurred by gaols and police might also be extended to Australia.

Bill read 2ª.

FOREIGN LOTTERIES BILL.] Moved that the Bill be now read 3ª.

Lord *Monteagle* said, he wished to have a clause inserted which should provide for and insist upon the enforcement of the law with regard to the publication of notices in newspapers relative to foreign lotteries. As all newspapers and periodicals came under the inspection of the Commissioners of Stamps and Taxes, he was of opinion that that body should be entrusted with the enforcement of the law in this respect, and he should propose the insertion of some such clause as the following:

"Be it enacted, that whenever it shall appear to the Commissioners of Stamps and Taxes, from the inspection of newspapers and periodicals, that there has been inserted any advertisement or notice of foreign lotteries, they shall take the necessary proceedings to enforce the law."

Though he wished, however, to have a clause inserted, he should be satisfied if the noble Lord would give him an assurance that the law was to be enforced, and that these great frauds and nuisances should be put down by the strong hand of the law.

Lord *Stanley* assured the noble Lord that it was not intended that the law should become a dead letter in this respect. He did not think it would be necessary to introduce a clause; but he would take care that such instructions should be given as should secure the enforcement of the law to its fullest extent.

Bill read 3ª.

FIELD GARDENS' BILL.] The Duke of *Richmond* moved the Second Reading of this Bill.

The Earl of *Radnor* objected to the Bill, both in principle and detail. He wished to know whether the Government approved or not of such a measure, as in the former case it ought to be left to the

hands of some noble Lord on the Treasury Bench, or not brought forward at all.

Lord *Stanley* defended the Bill both in its principle, and against the objections urged by the noble Earl. The noble Lord said that the noble Earl might judge from what he had said, whether he and his (Lord Stanley's) Colleagues in office, did or did not approve of the Bill.

Bill was then read a second time.

House adjourned.

The following Protest against the Second Reading of the Field Gardens Bill was entered on the Journals:—

1. Because by this Bill there may be established in every parish in the kingdom a Board endowed with corporate privileges, irresponsible, and armed with powers which may be used for purposes of favouritism on the one hand, or of oppression on the other.

2. Because the objects of this Bill, purporting to be subsidiary to the provisions for the relief of the poor, under divers Acts of Parliament, are, in truth, in direct contravention to their principle.

3. Because, as in each parish, where the provisions of this Bill shall be adopted, the field-wardens will be wholly unconnected with those of every other, and uncontrolled by any superior power, it cannot be doubted that in process of time there will be introduced in different parishes a diversity of practice, which will lead to heart-burnings, discontent, and confusion.

4. Because the provisions of this Bill, if carried out in the fairest and most equitable manner, will necessarily aggravate the acknowledged evils resulting from the present law of settlement.

5. Because its unavoidable tendency is to promote early and improvident marriages, and to give an unnatural stimulus to the increase of population, already superabundant in the agricultural districts.

6. Because the necessary consequence will be the lowering of the wages of the agricultural labourer.

7. Because the provisions of this Bill lead to the indefinite increase of holdings and divisions of land, and thus to many of the evils which now press so severely on the people of Ireland.

8. Because they are in accordance with an opinion much in vogue, but which I think false in itself, and injurious to the people; founded on an unfair estimate of their intelligence and spirit, and (if acted upon) tending to lower their independence, and to degrade their moral condition, viz., that they cannot manage their own concerns, but must be cared for, overlooked, and directed by others, their superiors perhaps in fortune, but I believe by no means superior to them in virtue, natural intelligence, or public spirit.

9. Because if I am mistaken in this character of the people, and their comparative worth, the evil ought to be cured by good example and education; and will only be aggravated by such measures as those contemplated by the present Bill.

RADNOR.

HOUSE OF COMMONS,

Friday, July 18, 1845.

MINUTES.] BILLS. *Public.*—1°. Libel; Removal of Paupers; Customs Laws Repeal; Customs Management; Customs Duties; Warehousing of Goods; British Vessels; Shipping and Navigation; Trade of British Possessions Abroad; Customs Bounties and Allowances; Isle of Man Trade; Smuggling Prevention; Customs Regulation; Testamentary Dispositions, &c.; Joint Stock Banks (Scotland and Ireland); Compensations; Drainage of Estates.

2°. Small Debts (No. 3); Slave Trade (Brazil); Municipal Districts, &c. (Ireland); Stamp Duties, &c.; Militia Pay; Railways (Selling or Leasing).

Reported.—Lunatics: Grand Jury Presentments (Dublin); Drainage of Lands; Jurors Books (Ireland); Poor Law Amendment (Scotland); Small Debts (No. 3); Jewish Disabilities Removal: Bonded Corn; Excise Duties on Spirits (Channel Islands); Masters and Workmen; Fisheries (Ireland).

3°. and passed:—Ecclesiastical Patronage (Ireland); Joint Stock Companies; Land Revenue Act Amendment; Drainage (Ireland); Merchant Seamen; Spirits (Ireland).

Private.—1°. Molyneux's (Follett's) Estate; Duke of Bridgewater's Estate; Winchester College Estate.

2°. North Walsham School Estate.

Reported.—Bolton and Leigh, Kenyon and Leigh Junction, Liverpool and Manchester, and Grand Junction Railway Companies Amalgamation; South Eastern Railway (Branch to Deal, and Extension of the South Eastern, Canterbury, Ramsgate and Margate Railway): Darby Court (Westminster).

3°. and passed:—Dublin Pipe Water (No. 2); South Eastern Railway (Widening and Extension of the London and Greenwich Railway); Rothwell Prison.

PETITIONS PRESENTED. By several hon. Members, from a great number of places, in favour of the Ten Hours System in Factories.—From Kingston-upon-Hull, against Lunatic Asylums and Pauper Lunatics Bill.—By Lord Ashley, from Pershore, for Diminishing the Number of Public Houses.—By Mr. Hawes, from Starch Makers of London, against Smoke Prohibition Bill.—By Lord Ashley, from Charles Whitlaw, for Inquiry into his Case.

The House met at twelve o'clock.

VALUATION (IRELAND).] House in Committee on the Valuation (Ireland) Bill.

On Clause 5,

Viscount *Clements* objected to the whole Bill. It was preposterous to introduce a measure of this importance at so late a period of the Session, and to try to carry it on in a House consisting of four Irish Members, and eleven Members from other parts of the three kingdoms. He would not be a party to such a course; and he would now move that the House be counted.

The *Chairman* counted the Committee; and there being only twelve Members present, left the Chair; and Mr. Speaker having resumed it,

The *Chairman* reported to him that there were not forty Members present.

The House was again counted, and forty Members being present, again resolved itself into a Committee on the above Bill.

On the Question, "that Clause 5 stand part of the Bill."

Viscount *Clements* said, he would divide the Committee.

Strangers were excluded, but no division took place, Viscount *Clements* finding no seconder.

On the Question being again put,

Viscount *Clements* said, he would move "that the further progress of the Bill be postponed for six months."

Sir *T. Fremantle* urged on the noble Lord the necessity of allowing the Bill to proceed.

Sir *R. Ferguson* would again press on the right hon. Baronet what he had often urged before—namely, to try the Bill as an experiment in those counties which had not yet been valued.

Viscount *Clements* had no wish to let others do for him what he could do for himself; and he therefore objected to this Bill, on the ground that it committed to the Executive Government in Ireland, what could be more satisfactorily done by the grand juries of counties, as far as related to valuation, and applotting the grand jury cess. Under these circumstances, he would persevere in his opposition to the Bill.

Mr. *S. Crawford* also urged on the right hon. Baronet the propriety of adopting the suggestions of the hon. Baronet (Sir R. Ferguson), of letting the measure stand as an experiment on those counties which had not been valued.

Sir *T. Fremantle* said, he could not take upon himself to follow the advice of the hon. Baronet, without more consideration; and, therefore, if the noble Lord would allow the remaining clauses to go through Committee, he would—if no objection existed in other quarters—comply with the suggestion; but if he could not consent to the suggestion, he would promise the noble Lord and the hon. Baronet, an ample opportunity of discussing the point at another stage, and have the sense of the House taken on it, in a much fuller attendance of Members.

Mr. *George Hamilton* said, that his hon. Friend the Member for Londonderry knew very well—no one better—how general was the complaint in Ireland with regard to the want of uniformity and accuracy of all existing valuations. Nothing could be more desirable than one uniform and accurate valuation on a proper principle, which would be understood. The principle of the valuation proposed in the Bill, was what he considered the only sound principle, namely, the letting value to a solvent tenant. Certainly it would have been better if the Bill had been introduced at an earlier period; but the effect of the postponement would be the delay of a year in commencing the valuation on sound principles.

Clauses to the 18th agreed to.

On Clause 15, "Decision of Sub-commissioners to be conclusive."

Mr. *Sharman Crawford* objected strongly to this clause.

Viscount *Clements* concurred in the objection. The people of Ireland should be taught to look to their natural guides, the magistracy and gentry, and not to Government officers.

Sir *R. Ferguson* was of opinion, that in reference to the valuation of tenements, it would be desirable to do away with the appeal, where the Sub-commissioners differ, to the Committee of Appeal, and to give it to the quarter sessions.

Mr. *George Hamilton* concurred, on the whole, with the suggestions of his hon. Friends; there was, in Ireland a natural and not an unjust jealousy of Government Commissioners, especially where there was no appeal from them. He thought the best machinery would be an appeal from the valuator of tenements to the Sub-commissioners, as the Bill provided, that is, if the owner of a tenement should not be satisfied with the valuation of it; the Sub-commissioners should examine and correct the valuation. He would add to that, an appeal to the Barrister at quarter sessions. Generally, he supposed, the revision of the Sub-commissioners would be satisfactory, and not the less likely to be so, if there was an appeal from it.

The remaining clauses were agreed to.

House resumed. Bill to be reported.

At the five o'clock sittings,

SMALL DEBTS (No. 3) BILL.] The *Solicitor General* said as this was a Bill of the utmost importance to the mercantile classes, it would be necessary to have it passed through the House with the least possible delay. He had had several communications with hon. Members on both sides of the House who were connected with the mercantile interest, and they had expressed their approval of the measure. He proposed, then, with the leave of the House, that the Bill should be read a second time, and that they should afterwards go *pro formâ* into Committee this evening, for the purpose of making certain alterations and adding some clauses to the Bill which were deemed necessary to render it completely satisfactory. The Bill, with the amendments, could then be printed, and delivered into the hands of Members to-morrow or Monday.

Bill read a second time.

On the Motion for going into Committee *pro formâ*,

Mr. *Wakley* suggested to the hon. and learned Gentleman the propriety of at once stating those amendments he intended to propose. The Bill, as it then stood, he thought was a satisfactory measure to the public generally, and was decidedly an improvement on that of last year. He should, therefore, like to know at once the character of the changes that were to be made in it.

Sir *J. Graham* thought that the course which his hon. and learned Friend proposed to take was decidedly the most convenient one, and to which no reasonable objection could be well urged.

Bill committed *pro formâ*, and ordered to be recommitted.

PUNISHMENT IN STAFFORDSHIRE.] Mr. *T. Duncombe* wished to ask the right hon. Baronet whether he was prepared to lay on the Table of the House the Report of Mr. Robins, relative to the system pursued by a magistrate and certain constables in Staffordshire in respect to the punishment of Eliza Price; and also whether, in addition to such report, he would also produce a copy of the correspondence between the Government and the Lord Lieutenant of Staffordshire upon the subject? He had recently received a communication from the same neighbourhood, where it appeared that the same kind of treatment had been pursued against two women under the warrant of a Mr. Briscoe. The deposition in respect to the latter prisoners, which had been laid before another magistrate, stated that they were two young girls—one only eleven years of age, and the other fourteen. The first was apprehended by a constable on the charge of stealing a halfpenny worth of coals, and the latter for stealing a waistcoat of little value. The deponent, who was sister to one of these unfortunate girls, stated that she went to the constable, on the evening of her committal, who had Eliza Price in custody, when she found her sister in a back kitchen; that she asked him whether she could have a bed, when he replied in the negative, as he had not one there; that she then offered money to procure her sister a bed, which was also refused. On the following morning she again called, when she found her sister with handcuffs upon her, and chained to the grate. On the next morning she called and found her sister in the same dreadful condition, and the other prisoner, Emma Woodall, also chained in like manner to the grate. Her sister said that she had never been washed since she was taken into custody, and asked deponent for some soap. This statement was corroborated by another sister of the deponent. It appeared that Mr. Briscoe, before whom these two young girls were brought, had desired the constable to take them to his house, where they were confined for four days, and were both chained to the grate in the back kitchen. He (Mr. Duncombe) observed that this appeared to be a most monstrous case of cruelty, and that the constable, if found guilty of having acted so to these young women, should be made an example of, and the most effectual means taken to put an end to such a system that was alleged to prevail in the neighbourhood of Mr. Briscoe's magisterial authority.

Sir *J. Graham* said, he should not have the least objection to produce the minutes of evidence which had been taken before the Commissioner in respect to the cases referred to, and the report of the Commissioner himself upon such evidence. He would be also happy to lay upon the Table of the House a copy of the letter which he had addressed to the Lord Lieutenant of Staffordshire on the subject, enclosing the Report of the Commissioner and the minutes of evidence. The hon. Member for Finsbury would then see that he had pointed the attention of the Lord Lieutenant to this practice of chaining prisoners

upon mere night charges, which he stated was most reprehensible, and he had pointed out to the Lord Lieutenant the necessity of directing the magistrates' attention to the subject, with a view of inducing them to use their influence to check this practice, which he was sorry to see had prevailed in that district. The conduct pursued in respect to the recent cases mentioned by the Hon. Member was also most unjustifiable.

CHARITABLE BEQUESTS BILL (IRELAND).] The Earl of *Arundel* wished to know whether it ever was the intention of Her Majesty's Government to introduce any amendments into the Irish Charitable Bequests Bill?

Sir *J. Graham* said, the subject to which the noble Earl referred was under the consideration of Government. The Roman Catholic Commissioners appointed to preside at the Board under this Bill had represented to the Government the objections which they had to more than one point in that measure. They pointed out, especially, the duty that was imposed on them by the Act, of deciding as to who possessed ecclesiastical authority, according to the rules and canons of their Church. They stated that this point should be left altogether to the decision of an ecclesiastical authority, and not of a civil authority. This objection he had a desire, as far as possible, to remove. Another point was also dwelt upon as most objectionable, in respect to which they stated that the Bill had put them in a worse situation than they had been in before. He could only say it was not the intention of Government to place them in a more disadvantageous position than they had been heretofore. With respect to these objections generally, it was the intention of Her Majesty's Government, during the recess, to give every attention to them, with a view of ascertaining how these difficulties could be removed.

FRENCH SQUADRON AT TAHITI.] Captain *Pechell* said, that a paragraph had recently appeared in the public newspapers relative to the French squadron at Tahiti, in which it was stated that a letter had been lately received from that place, giving an account of the arrival of the *Talbot* frigate there, which was towed by the *Salamander* steamer. Before the *Talbot* could get leave to stop there, it appeared that her captain was required to ask permission from the French commander, and he was also commanded to salute the French flag. The captain of the *Talbot* hereupon objected to comply with these demands; and it was said that the French authorities would not allow any communication to be kept up with the *Talbot*, except through the *Salamander* steamer. The captain of the *Talbot* being disgusted at this treatment, sailed immediately for the Sandwich Islands. He wished to ask the hon. and gallant Admiral whether the particulars of any such proceeding had been received by the Board of Admiralty?

Sir *G. Cockburn* was understood to say that no report of such a circumstance as had been stated by the hon. and gallant Officer had, he believed, been received at the Admiralty.

MILITARY PUNISHMENT AT WINDSOR.] Mr. *Wakley* said that, pursuant to his notice, he wished to ask the right hon. Gentleman the Secretary at War a question having reference to a report that had lately appeared in the *Morning Chronicle*, of a transaction which had occurred last Saturday, in connexion with the 2nd battalion of Coldstream Guards, at Windsor. By that statement, it appeared that a whole company of soldiers were ordered to strip themselves naked, for the purpose of being examined by the surgeon of the regiment; and in consequence of two of the soldiers refusing to obey such an order, a court-martial was held upon the spot, and an order made that these soldiers should receive one hundred lashes each, which was at once inflicted on them; the whole proceedings, including the court-martial and punishment, only occupying a period of two hours and a half.

Mr. *S. Herbert* said, the best answer he could give to the question of the hon. Member for Finsbury was, to state the facts that had occurred as briefly as possible. It appeared that for some time past, in a battalion of Guards at Windsor, many of the soldiers were affected with a certain disease, which, if suffered to continue, must have been attended with serious results. He had reason to believe that these men, whether from a dislike to going into the hospital, or from some other cause, had endeavoured to conceal the fact of their suffering under this disease. In consequence of this being made known to the military authorities there, a rigid medical examina-

tion was ordered; the result of which was, that sixteen men were found to be infected, who otherwise would have passed the ordinary examination, and would have remained without the application of any proper treatment to arrest the progress of the disease. In consequence of the great indisposition of the men to make known their peculiar situation, and thereby to avoid the necessity of going into the hospital, great dissatisfaction had been excited among them at the order for this examination, and two of them absolutely refused to submit to such examination. On the surgeon reporting the conduct of these men, they were called before the commanding officer, who took some pains to warn them of the serious offence they had been guilty of in refusing to obey the orders of the surgeon, who was a commissioned officer. He need not state how essential it was to the discipline of the army, that the orders of the commanding officers should be strictly obeyed; and in this case, it was most essential to the health of the men that the authority of the medical officer should not be held in contempt. The officer in command, therefore, informed these men that they were committing a most serious offence; but finding that they persisted in their disobedience, he ordered them to be confined for forty-eight hours in the black hole. The men made no remonstrance at the time to this order, and were marched by the serjeant into the guard room. On being ordered into the black hole by the serjeant, they refused to go; and on the commanding officer being again informed of their disobedience, he sent for them, and again explained to them the serious offence which they had, a second time, been guilty of. Having done so, the serjeant again gave the men orders to march; but they were still obstinate in their refusal. The commanding officer himself then gave the command, which he repeated two or three times; but the men continued to stand fast. He then ordered them back to the guard room, where he again and again remonstrated with them on the impropriety of their conduct. They, however, persisted in their refusal to obey; and the commanding officer being fully aware of the danger of this insubordination spreading, he immediately ordered a regimental court-martial, as he thought the immediate punishment for an offence of this description was much more important than if he had called a district court-martial, when the punishment would be necessarily delayed, and of a more severe character. The court-martial was accordingly held, before which the facts, as he had stated, were fully proved, and the punishment of one hundred lashes ordered to be inflicted upon them; which punishment was immediately carried into effect. With respect to the paragraph alluded to by the hon. Member, the statement as to the dissatisfaction which existed amongst those who were witnesses to the proceedings, was quite unfounded. He did not wish a false impression to be made in respect to the facts of this case. The punishment that was inflicted on those men was not for refusing to comply with the examination of the surgeon, but for insulting their commanding officer by persisting to disobey his orders.

Mr. *W. Williams* observed, that the right hon. Gentleman had not answered the most important charge that had been made, namely, whether those men had been ordered to stip themselves naked, in the presence of the whole regiment?

Mr. *S. Herbert* said, that it was a well-known custom in the army for the men to be obliged to strip occasionally for the examination by the surgeon. Also, when a regiment was ordered down to bathe together, and for the medical inspection, which generally took place in the rooms of the men in the morning. The exception in this case, as to the mode in which the men were ordered to undergo this examination, was in consequence of this disease, which was prevalent among them.

Mr. *Wakley* would undertake to say, that by a more private examination, a more searching inquiry could be made into the case of each particular man, than by adopting such a course as had been stated. Nothing could be more indelicate or indecent, or more repulsive to a proper and correct feeling that should be encouraged among men, than for soldiers to be placed under the necessity of undergoing such an examination naked, in the presence of a large company of their comrades. He knew that it was highly dangerous to make this House a court of appeal on these occasions; but when he knew that in the House of Correction, in this metropolis, there were at present seventy soldiers confined, it was quite clear that there was something wrong in the government of the army.

Mr. *W. Williams* thought, that every means should be taken to put a stop to a

practice so indecent as had been described in the present instance.

Admiral *Dundas* begged to differ in the opinion expressed by the right hon. Gentleman the Secretary at War, when he stated that it was customary for whole regiments to strip together on the occasions to which he had alluded. From his experience he could say, that it had never been customary to do so in the army, and as to the navy, he had never heard of such an instance occurring.

Mr. *S. Herbert* said, that there appeared to be some misapprehension as to the statement he had made. The regiment in question had stood together in a row, and each man, as he was called by the surgeon, stood out from the row, and underwent the examination.

CHINESE PRIZE MONEY.] On the Motion for going into Committee of Supply,

Captain *Berkeley* rose to bring forward the Motion of which he had given notice. He proposed this Motion, he said, solely from a sense of justice, from a strong conviction of what was due on the part of the nation to a most gallant body of men, who, after the most noble exertions—after undergoing the most fearful sufferings,—had been denied their rightful share in the booty which their bravery had acquired. As a proof of it he would read the following extract of a letter from Captain Grey:—

"The power of the sun during the whole period was very great, and the consequences of the unavoidable exposure of the men to it, and to the perhaps still more prejudicial night air, soon showed itself in the increasing sick lists of every ship. By the beginning of September, ours had reached 120, and before we returned to Chusan, we buried 18 men, including our purser, one lieutenant of marines, and carpenter, and some of the best petty officers of the ship. Our surgeon was invalided and died at the Cape, as well as a second carpenter. The number of men invalided I do not remember; but it was many months before the ship's company recovered their strength. In the number of men ill, many of the transport and troop ships far exceeded our proportion; and in two instances, I had out of my weak ship's company, to put officers and men on board them to take them down the river. The scene on board the *Belleisle*, when she passed Chin-keang-foo, I shall never forget. Of the 98th regiment, which had landed 680 bayonets at Chin-keang-foo on the 21st July, there were not 100 fit for ordinary duty, and of her ship's company, more than half were on the sick list. Fore and aft, her lower deck, every berth, was occupied by a sick man in his hammock, while in the gun room, which was used as a hospital, the men were lying side by side as close as they could be laid, in the last stage of debility. I could multiply the cases of the ships that came under my own observation while charged with the duties of senior officer at Chin-keang-foo; but I have said enough to give you some idea of the effects of the climate. I trust, I may never again witness such sickness and such suffering; at the same time, I cannot sufficiently express my admiration of the patience with which it was borne. Of the officers, one lieutenant, one midshipman, and myself alone escaped the ague. If I can afford you any further information that may be useful to you, I shall be glad to furnish it. I sincerely hope you may succeed in obtaining for the seamen some more adequate remuneration for their services than the miserable pittance of 4*l.* 2*s.*, which is all that fell to the share of those who served in the *Endymion*."

The pretence set up by the Chancellor of the Exchequer, that no war had been declared previous to the hostilities so gallantly conducted by these men, was shabby in the last degree, and utterly inconsistent with justice and reason. In the case of the Burmese war, grants were made to the gallant Britons who had taken part in it, to the full extent of the military stores and other booty they had achieved. But the men who, by their bravery in China, had realized a booty of two millions and a half sterling, besides the ransom money, were denied the reward of their exertions. Government would not dare to refuse to the army in India the fruits of its valour; why, then, should the gallant fellows who had so nobly maintained the honour of England in China, be deprived of their rights? The officers and men in Sir W. Parker's ship, for instance, had they been justly treated, would have received, on the average, nearly 200*l.* each; but as it was, they would have got one-third more by working in peace and comfort in Plymouth or Chatham Dockyard for the time, than they realized by all their arduous exertions, their unsurpassed bravery, their terrible sufferings in China. It was sufficient to cause disgust in the mind of the British seaman to offer him such a paltry sum as 4*l.* as a return for the eminent services which he had rendered in China. Under the system which they adopted of

remunerating those men, the boy who blacked an officer's shoes, or waited behind him at table, was as largely rewarded as the able seaman. To his mind, that was using the British seaman most unjustly; and he had no doubt that such a course of conduct would visit itself at a future day upon the authors of it. It was true that the Chancellor of the Exchequer said there had been no war in China; but the same argument had been used with respect to the battle of Navarino, and what took place in that case? The claims of the sailors were on that occasion resisted on the ground that there had been no declaration of war; and the consequence of resisting them on those grounds was, that on board one line of battle ship, on two occasions, the sailors said that in future they would make a bargain whether there was war or no war before they went into action. They had the authority of the greatest man that ever the Navy produced, for treating with liberality the sailors who fought the battles of their country. Lord Nelson said—

"An Admiral may be amply rewarded by his feelings and the approbation of his superiors, but what reward have the inferior officers and men, but the value of the prizes? If an Admiral takes that from them on any consideration, he cannot expect to be well supported. However, I trust, as in all other instances, if to serve the State, any persons or bodies of men suffer losses, it is amply made up to them; and in this I rest confident my brave associates will not be disappointed."

He trusted that the House would on this occasion act in the same liberal spirit which was exhibited when Admiral Codrington brought forward a Motion for the purpose of obtaining remuneration for the men who fought at Navarino. On that occasion Mr. O'Connell said that his principle was—not to pay those who did not deserve it, but to pay liberally those who deserved it. The only dissentient from the Motion was the present hon. Member for Montrose; but he did not divide the House on his opposition, and the Motion was carried. Now he would turn to Syria, and ask the House what course had been adopted with respect to the forces employed by this country on the coast of Syria? The petty officers employed in that service received each 12*l.*, or 14*l.*, or 16*l.*; whilst the petty officers who had served in China for a much longer period received but 4*l.* He had the honour of serving in that expedition, and he did not mean to put the services which were performed there in serious competition with those which had been performed in China; and he would add, that the men who were employed in Syria were not occupied in that service more than a few months, whilst those who served in China had been employed during periods of three years, two years, or one year. Notwithstanding this difference in the length of service, and the fact that the Chinese force had captured merchandise and other property equal in value to the amount of three millions sterling, which was *bonâ fide* their property, yet they received less per head than the men composing the expeditions to Syria and Algiers. Lord Exmouth received 100,000*l.* for seizing a fleet in the Bay of Naples, although he did not keep it in his possession for five minutes; and he would ask the House of Commons, would they, when they considered that, say that the men who were employed in those most valuable and important services in China, ought to receive so small a sum as 4*l.* each? For the service which had been rendered in other parts of the globe, liberal remuneration had been given; and he did not see why the seamen in China should be neglected. Sir H. Gough obtained a pension for life for his services; Sir W. Parker was created a baronet, and received a most important command; and Sir Henry Pottinger was created a baronet, and obtained a pension for his services. Those rewards were not too much for the valuable services which had been rendered; but he would ask, would any man in that House say that 4*l.* each was sufficient to compensate the sailors and soldiers who had been employed in China? It had been urged as a reason for giving so small a sum, that the victory in China was an easy victory; and he should remark that such an objection was a premium to officers not to put out their force or apply their science and skill in time, and with sufficient effect at once, but rather to let some of their men be killed before they injured the enemy. He trusted the House would not, on this occasion, forget the services which had been rendered by our seamen in China; that they had made the Chinese succumb to our terms, and had taught them a lesson which they would never forget. They

had achieved a triumph which, in every point of view, was calculated to confer the greatest advantage; and in addition to all the other benefits which were to be expected from our proceedings in China, it ought not to be forgotten that facilities were obtained for introducing amongst the Chinese people the spirit and blessings of the Christian religion. He therefore earnestly entreated the House to assist him in doing that which he believed to be simple justice to the British seaman; and he thought that by doing justice to his claims, they were pursuing the only course which could most securely attach him to his country; and if they refused to compensate him for that which he had so hardly won, it would be useless to endeavour to make up afterwards for that injustice by emoluments or rewards, or offers of advantage. He had brought forward this Motion, not at the request of any party, but solely from his own desire to obtain justice for the British seamen; and if they refused to accede to it, they would, in his opinion, give the greatest blow to the British Navy which had been struck at it for many years. The hon. and gallant Member concluded by moving that—

"This House will, upon Wednesday, the 23rd day of this instant July, resolve itself into a Committee, for the purpose of considering the propriety of an Address to Her Majesty, humbly requesting that She will be graciously pleased to take into consideration the claims for further pecuniary recompense of the Officers, Seamen, Soldiers, and Marines engaged in the operations against the Chinese Empire, in the years 1840, 1841, and 1842."

The *Chancellor of the Exchequer* said, that if he rose for the purpose of opposing, on public principle, the Motion of the hon. and gallant Gentleman opposite, he hoped the House would believe that he was not less impressed with a sense of the merit, vigour, and ability of those engaged in that war, than the hon. Gentleman. He was perfectly sensible not only of the valour and skill displayed by our forces in China, but also of the humanity which they exhibited towards their foes, and the sufferings which they endured, not only from the military operations, but also from the effects of the climate. For all these the forces employed in China deserved the respect and admiration of their fellow countrymen; but when he expressed his admiration of those who were so engaged, he would add that the House was now called upon to discuss a question totally distinct from the merits of the officers and men employed in the late operations in China. The hon. and gallant Gentleman opposite had called upon them to adopt a course which had never yet been taken by Parliament, and which was opposed to the constitutional principles on which the rule applicable to prize was founded. It had been always recognised as a principle that the remuneration of those engaged in naval and military operations should be left to the discretion and liberality of the Crown; and so strictly had that power been reserved to the Crown, that when the Crown made over to Parliament the revenues arising from droits of the Admiralty and property captured in war, the power was reserved to the Crown, in terms the most stringent, of apportioning at the discretion of the Crown the amount of what was captured from the enemy to the soldiers and seamen employed. The hon. and gallant Gentleman stated that all the property and money which had been captured in China belonged to the Crown; and when he alluded to the observation which he (the Chancellor of the Exchequer) had made with respect to there being no war in China, he was aware that the observation was meant to apply to the right to seize that property. He had said that we had embarked in the operations against China, for the purpose of recovering from the Chinese an amount of money of which our subjects had been improperly deprived, and obtaining compensation from the Chinese Government for the expenses of the war, and bringing it to a proper sense of what was due to the honour and character of this country. It was not enough in order to establish a right prize, to show that it was captured as reprisal: instances without number had happened in which reprisals were made, and the property captured only retained for a time until satisfaction for injury was obtained — such captures were not prize of war. In order to establish a right to prize, certain formalities were necessary; there should be a declaration of war and a proclamation from the Crown, assigning the rights in property captured, which would give to the captors the power of making it a prize. He mentioned these circumstances, because he thought it was important that those in the House who had to decide the question should know the point on which it turned. It was true that in the case of the services performed at Algiers, 100,000*l.* were given

by Parliament to the forces employed; in the case of Navarino, 60,000*l.*; and in the case of Syria, 60,000*l.* also; but these sums were not given as prize, they were given as remuneration to the men employed in those services. As soon as the operations in China had successfully terminated, the Government took into their consideration what sum ought to be given to the forces employed. The hon. and gallant Gentleman complained that the sum then awarded, gave but a miserable pittance to each soldier and seaman; and he went on to compare that sum with a magnificent account of the prizes captured by our forces in China, when in reality no prizes had been captured. There were orders given to seize certain vessels and property as reprisals, to be given up at the end of the war; but there were directions sent out to take no vessels which were engaged in carrying on the intercourse along the coast of China; and so far were those in authority from looking at the property seized as prize, that when Sir Henry Pottinger was asked to consider the captures as prize, and to appoint a prize agent, he positively refused, and appointed a public officer to superintend the vessels captured; thus laying down the principle that they were seized for satisfaction of our demands in China, and not as prize. The Government had then to consider the proportion in which remuneration to the officers and men engaged in the service of their country should be assigned and distributed. The hon. Gentleman stated that property to the amount of 1,500,000*l.* was captured. He did not know upon what data that calculation was founded; but there was a return on the Table of the House, from which it appeared that the value of prizes captured from the 25th of August, 1841, to the 22nd of August, 1842, amounted to 540,000 dollars, or 117,700*l.*; and he apprehended that the Government, in allotting 166,000*l.* for the operations in the Canton river, and 255,000*l.* for the services performed in the Yantesekiang river, amounting in the whole to 420,000*l.*, could not be said to have given a remuneration inadequate to the prize money to which the troops would have been entitled, if there had been a proclamation of prize at the time when the captures were made. The gratuities given on such occasions—as in Syria and elsewhere—were not equal to the amount of property captured. The hon. Gentleman complained that the distribution of money was made according to the Indian mode. He admitted that to be the case; but it was because above one half of the land forces employed belonged to the East India Company's service, and a great portion of the naval force belonged to the Indian navy: they were, accustomed to the Indian mode of distribution of batta. If the other mode of distribution had been adopted, there would, doubtless, have been complaints of the distribution operating prejudicially to individuals in that branch of the service. Distribute prize money as you would, the lower ranks of the service could not receive those large amounts which the hon. Gentleman contemplated. He wished that gratuities could be distributed in proportion to the merits of the individual, and the value of the services rendered; but that could not be the case, if the amount be distributed in proportion to the prizes made. In the late war many men, for very brilliant services, received inferior remuneration to that which was gained by those who captured merchant vessels without exertion. The hon. Gentleman might say, "Look at the Nile and Trafalgar, where men received 7*l.* a head for the most brilliant victories and valuable services; while the crews who captured a merchant fleet in the chops of the Channel received 16*l.* or 20*l.*:" the remuneration from prize must depend upon the accidental circumstance of the service upon which the individuals were engaged. Nothing was more painful than to resist a demand made on behalf of branches of the public service, which had done so much both for the honour and interest of the country; but still Government had a duty to perform, and in its performance there was a principle of which they should not lose sight. They objected to parties on every occasion of successful enterprise coming to that House and seeking to make it the instrument of giving to the different branches of the service—to the army and to the navy of the country—pecuniary rewards. When the hon. Gentleman talked of seamen, before going into action, considering what would be the chances of their being rewarded in this way, he was attributing motives to both officers and men by which he (the Chancellor of the Exchequer) was sure they were not actuated. If such were the case, if they were actuated by such motives, it would be a melancholy consideration, for nothing more clearly indicated the ruin of empires, than when troops would not march without a cer-

tainty of additional largess, and when the military power embarked in a system of competition which had only money for its object. He resisted the Motion in the firm belief that the amount which was already given, was adequate to the amount of the captures made by the force in the war referred to, and a fair compensation for any prize which, under the circumstances, could have been laid claim to by the parties; and he was sure, whatever might be the feeling of the hon. Gentleman on the matter, that the gratuity would be thankfully acknowledged by the troops and by the navy, as a liberal acknowledgment of the services which they had rendered, and as an incitement, if any such incitement were required, to the cheerful and proper performance of their duty on any future occasion on which the country might have need of their services.

Captain *Berkeley* observed, that he never stated that the officers and men were actuated by the feelings alluded to by the right hon. Gentleman, but that the system pursued was one which held out to them temptations to act upon such motives.

Sir *C. Napier* wished to ask the Chancellor of the Exchequer how long were vessels taken to be considered as droits of the Admiralty?—and he also wished the right hon. Gentleman to tell the House exactly, if he could, what money, after the expenses of the war, that was to say, after the expenses of the additional ships required by the transactions in China were paid, went clear into the Treasury? [The *Chancellor of the Exchequer:* None.] The right hon. Gentleman included the whole of the force that was there, and he thought it very probable that it had absorbed the whole of the money. The Chancellor of the Exchequer intimated that, in the case of China, there had been no declaration of war. But he would wish to know whether, when they sent a squadron of four frigates, in 1804, to intercept four Spanish galleons, a declaration of war had taken place or not? He believed not, and yet prize money was served out both to officers and men; and in consequence, as the Spaniards conceived, of our improperly seizing their vessels, a declaration of war followed. Was there a declaration of war after the Treaty of Amiens? He believed there was no such declaration, and yet all vessels taken, whether merchantmen or men of war, were regarded as prizes. Nor did he believe that there was a declaration of war even in the case of America, and yet the same rule obtained. Nor was there such a declaration in the case of Denmark, and the Chancellor of the Exchequer refused to give the Danish claimants any remuneration for their losses because the war was not declared; and now the Chancellor of the Exchequer refused to give prize money to the seamen engaged in the Chinese war because war was not declared. He would leave the right hon. Gentleman to reconcile these two cases if he could. In China, an active, severe, though not bloody war, was carried on for three years; and yet the Chancellor of the Exchequer told them that, notwithstanding this, there was no war at all. He remembered the Duke of Wellington, in the other House of Parliament, complaining of little wars; when he also said that if we had not war, it seemed something very like it, as war was going on in America, in Syria, and in the East Indies; and yet, although these were regarded by the illustrious Duke as wars, they were now told that that which they carried on in China was no war. If such were the case, then were they nothing better than pirates in seizing the property and the vessels of a nation with which they were at profound peace. The Chancellor of the Exchequer told them that the sum of 420,000*l.* was given to the army and the navy in the East Indies. But let them consider the magnitude of that army and navy. They should then examine whether that sum, for a war of three years' duration, was a sufficient remuneration for those who had taken an active part in it. A numerous army and a large fleet were employed in the operations on the coast of China; and the question for consideration was, whether the sum mentioned by the right hon. Gentleman would afford sufficient remuneration to the forces engaged in those operations. The right hon. Chancellor of the Exchequer had stated that no captures were made on the Chinese coast, because it was thought prudent to let vessels go along the shore, in order to insure supplies to the fleet; but was the right hon. Gentleman aware that a levy of 10 per cent. was made upon all Chinese vessels entering or leaving the ports? He believed that no account of the amount derived from that source had yet been furnished to the House. The battle of Navarino was an affair of one day; and yet 60,000*l.* were given for the services of one day, he might say of a few hours, for a fleet consisting of three sail of the line and

two or three frigates. A large sum was granted at Algiers for the work of a few hours, although no war was declared. And in these cases, the Secretary of the Admiralty did not forget to take his war pay. He then said it was war, though war was not declared, and did not refuse his war salary. The petty officers at Navarino got 17*l.* For six weeks' service in Syria the same rank of officers got 13*l.*; whilst here, for his hard services in this the Chinese war, covering a period of three years, the petty officer received but 16*l.* He would ask the House if that was a fair and proper remuneration for a seaman who went to an unhealthy climate, who staid there for three years, and performed his duty like a man, insomuch that he, in common with all who shared with him the hardships of that service, was thanked by the House of Commons for so performing his duty? The Chancellor of the Exchequer told the House that the British army and navy in India were always in the habit of receiving batta. But when their placards were stuck up in Portsmouth, and in our other seaport towns, inviting men to enter the service, and holding out hopes to them that they might make their fortunes by prize money in the Chinese war, did these men then think of batta? The right hon. Gentleman also spoke of the honest pride and gallantry of our seamen, and of their love of glory and honour being sufficient as an incitement to the performance of their duty. But the sailor well knew, notwithstanding the right hon. Gentleman's panegyric, what prize money was. It was an idea which went down with him from father to son, and he would and must get his prize money. The British sailor also knew very well when he was well treated, and when he was ill treated. He was extremely sensitive. To prize money he looked as his own, as his right. He went to sea for his prize money. That was the plain English of the matter. He knew nothing of honour and glory. [*Cries of* "Oh, oh."] Let hon. Gentlemen hear him out. The British seaman, whatever might be his love or his regard for his country, fought for his prize money, and to do so was natural to him. To that he looked forward as his remuneration, as an addition to the scanty pay which was given him. The right hon. Gentleman asked the gallant Officer if the 21,000,000 of dollars which were given by the Chinese as a condition of peace, were to be considered as prize money? That they should be so considered, never for a single moment entered into the head of his hon. and gallant Friend. But the 6,000,000 of dollars paid for the ransom of Canton was as much prize money, as if our men had stormed the town, and seized as much property. In addition to that, other transactions took place, such as at Chusan, Amoy, &c., by which large amounts of property came into our possession, of some of which the Chancellor of the Exchequer had given no account, and much of which was given back to the Chinese, in order to enable them to pay the 21,000,000 of dollars which were to go into the Treasury. Why was not all this property taken into the account by the right hon. Gentleman the Chancellor of the Exchequer, to see whether it would not amount to a larger sum than the 420,000*l.*, which the right hon. Gentleman contended exceeded the value of the prizes taken? If this was to be the course to be in future pursued by the Government, he would recommend that the Admiralty, whenever it became requisite to equip another armament, should send down orders to their officers not to deceive the men, not to put into their placards that the men were to be sent to this or that place to get prize money, but to tell them honestly and plainly that they were going to fight for their country, with a clear and perfect understanding that they were to have no prize money; but that Parliament, instead, was to take into consideration the services which they should render, and to reward them according to its pleasure. He would like to see if they would then be able to man their ships; he much feared that, in such a case, they would be compelled to have recourse to impressment.

Mr. *J. A. Smith* observed that there never had been a war in which a greater amount of property was exposed to British seamen; and never, perhaps, on a former occasion, had the force of discipline been manifested to a greater degree. With regard to these men, the course which the Government was now adopting was a most unwise course, as they did not hold out that reward for conduct of such a nature, which in true wisdom, and with a due regard to the interests of the country, they were bound to hold out. He was persuaded that, when, on similar occasions, vast amounts of property were exposed to plunder, the recollection of the decision of the Chancellor of the Exchequer would not be lost upon our seamen, as they would find

that the most profitable course for them to pursue was not to respect the property thus put in their power, in obedience to the orders of their superiors, as they had done on the occasion now alluded to. He much regretted the course taken, in reference to this matter, by the Government.

Mr. *Henry Berkeley* said, as there appeared a great disinclination on the part of hon. Gentlemen opposite to open their lips on this debate, and as his hon. and gallant relative, by the rules of the House, on a Supply night, had no right of reply, he should venture to offer a few remarks. The right hon. Gentleman the Chancellor of the Exchequer, spoke under great uneasiness, and mingled his refusal to do justice to our seamen, with much praise of their merits. By his account, so that you gave them hard knocks and glory, pay or prize money was a matter of indifference to them. Now he differed with the right hon. Gentleman, and believed that English seamen were well described in the words of an old writer—they were men who preferred "solid pudding unto empty praise." The right hon. Gentleman was ready with his praise, but not with his pudding. But did not the past bear him (Mr. Berkeley) out in thus thinking? Look to the last American war. Who assisted in taking our frigates? British seamen in the pay of the enemy. He appealed to the gallant Admiral opposite (Sir G. Cockburn) for the fact. Who assisted to lower the flag of the *Guerrière*, the *Macedonian*, the *Java?* Who were found in the *Chesapeake*, *Argus*, and *Essex*, when captured? British seamen. And why? Because they found better pay, and more prize money in the American service than in the British. Let the House remember that 80,000 English seamen were now serving in the American mercantile and national navy. Was this a time to disgust those who remained in our service, by refusing them justice? What the nature of the service was on which they had been employed might be ascertained by the loss in one frigate, which was a fair average for the others. The *Blonde* had dead, or invalided, during the China expedition, 1,094 men, besides 84 killed and wounded; and the Chancellor of the Exchequer assured us, we had not been at war. He hoped the House would put aside precedent for justice: prudence dictated that course, and not run the risk of disgusting, by turning the cold shoulder upon a body of men who, in the event of a war, must be looked upon as the best bulwark of the British Empire.

Captain *Pechell* said, that in addition to the ordnance referred to by his hon. and gallant Friend, the Government had not accounted for the brass ordnance taken at China, and the ransom received in respect to Canton and other places in China. It was said by the Government, this Motion was an interference with the Royal prerogative. That was the way they were always met when the claims of the navy were advanced; but he contended that the question was not one for the Royal prerogative at all, but for the House of Commons. As to the batta, it was never understood that the seamen were to be paid in that manner—they expected to have their fair proportion of prize money, and very great dissatisfaction existed as to the way in which they had been treated. The Government were in possession of sufficient funds which had accrued from the services of the army and the navy, to do justice to both services. Then, again, was the large field which those services had opened to British commerce to be considered as nothing? He called upon the House to support the Motion of his hon. and gallant Friend.

Sir *R. Peel* trusted the House would be sensible of the great importance of the question at issue; and that, notwithstanding the appeal which had been made to them, they would not consider it their duty to interfere with the exercise of the prerogative of the Crown; and that, unless a case were satisfactorily and fully made out, they would not, by agreeing to the present Motion, hold out to the army and the navy that they were to look in future to the House of Commons, instead of the Crown, as the dispensers of favour and rewards for military services. There could be nothing more dangerous, or more replete with evil in its consequences, than for the House to interfere as a court of appeal from the Crown, as to those acts of favour and indulgence which it might think fit to show to the army and navy for great military services performed. Then, again, let the House recollect what was due from public men in regard to the public interest. It seemed to be thought the Government had no duty to perform to the country in the matter; that they had nothing to do in guarding the public

purse. According to some of the arguments which had been advanced by the hon. and gallant Gentleman opposite, it might be thought that the Members of the Government had appropriated the money received from China to their own private purposes; at all events, the argument of the hon. and gallant Gentleman went to this, that they should show the greatest liberality to every claimant who came forward, and take no care of the public interest. The hon. and gallant Gentleman said, be liberal to the army and navy; but all he could say, was, that if the commercial community were not to have more reason to complain than the army and navy, of being defrauded of a portion of the money they had a right to expect for the purpose of meeting their demands—their claims must be considered; and if their claims, and those of naval and military men, were to be liberally treated on the principles now advocated, all he could say was, that the House would set an example to the Crown which former Parliaments had not thought it prudent to set. Nothing could be more easy than for responsible Ministers to recommend the Crown to be liberal in these matters, and thus to gain popularity and favour. All their sympathies and prepossessions were naturally in favour of acceding to these demands; and nothing was so easy, if the House of Commons would support him, than for a Minister to be liberal in this way, and to concede claims of this nature, if he was sure, that in so doing, he would receive the support of those who were the guardians of the public purse. He did not deny that the House of Commons had a right, in some measure, to control the Crown, and to compel the Crown to be liberal under circumstances in which great liberality might be required; but it would be a most dangerous interference with the Royal prerogative, and would place the House of Commons in a most invidious position with respect to those services, of the value of which the Crown was then the natural and the constitutional judge. He repeated, that the House possessed the right to interfere; but, before they did interfere, they must ask, had the Crown so acted as to make interference necessary? The question, then, for them to consider was, had the Crown acted in this matter with that indulgence and justice to those two great branches of the public service of this country—the army and the navy—which they had a right to expect on account of their gallant exertions and good conduct in the Chinese war? With regard to those exertions there could be no doubt. He admitted at once, and no one could estimate higher than he did, the important and gallant services of the commanders of that expedition, and the resolution, the determined valour, and the exemplary forbearance of the troops engaged. He did not, therefore, place his opposition to the Motion of the hon. and gallant Officer on the ground of denying the distinguished services of that portion of the army and navy which had been engaged in the military operations in China. With regard to the character of the war, whether there had been a formal declaration of war or not, it could not be denied that the service in China was of a very peculiar nature. When we entered upon a course of hostilities with China, we felt that we were in the position of a most powerful country coming into hostile contact with another far less advanced in civilization, and of far less experience in military proceedings. All the instructions given by the noble Lord opposite to the conductors of the expedition were founded on that admission of the inferiority of our opponents. We had no wish, in carrying on the war, to take that advantage of China which we should have taken of a more powerful and a more civilized country, under similar circumstances. The instructions, therefore, which were given to the officers commanding the expedition were, "Try to make an impression on the Chinese—by the occupation of a portion of their territory if you will—but conduct the war upon novel principles (he admitted they were, and even after hostilities had broken out), suffer the commercial marine of the enemy to go unmolested—take the war junks and destroy them; but in order to make a favourable impression upon the Chinese, permit those merchant vessels which were the property of private persons, of Chinese merchants, to pass unmolested." The natural consequence of this course was, that the number of prizes was materially diminished. He would not deny that the state of our relations with China during those proceedings was that of war; but what had been the result of that war, conducted upon the principles he had described; and what were the objects for which it was undertaken? We were, in the first place, to recover a certain sum of money from the

Chinese for injuries sustained by our merchants; we named a stipulated sum to be paid by the Chinese, part of which was to be applied to the payment of those merchants whose opium had been seized, part to the payment of the Hong debts, and another part was to be applied to the defraying the charges connected with the expedition. 6,000,000 dollars was the sum required to compensate the opium merchants; 3,000,000 on account of the Hong debts, and the remainder was to go to pay the expenses of the war. That was the understanding of the noble Lord (Palmerston). Now, he apprehended, when they had paid all these charges, so far from having any surplus—and if there had been any surplus after paying all these expenses, there might be some force in the present demand—but after payment of these expenses, he apprehended, that, instead of a surplus, there would be a great deficiency, notwithstanding that we had recovered a large sum from the Chinese as ransom for Canton. But suppose there had been a declaration of war, and all the formalities had been gone through; suppose there had been a proclamation of prizes, and an Act of Parliament passed appropriating those prizes; supposing this had been the case, still, was there any ground for saying that the claims to prize money on the part of the army and navy engaged in that war had been defeated by the Government? 117,000*l.* was the total amount of prizes that had been realized. [Sir *C. Napier:* But the merchant vessels?] They were given up in accordance with the principles upon which the war was originally commenced and afterwards conducted; but the hon. and gallant Officer took into his account the ransom for Canton: that had never been considered as prize money, nor was it usual so to appropriate money obtained under such circumstances. In the case of the Spanish galleons, which had been referred to by the hon. and gallant Officer, one-eighth only had been appropriated as prize money. In the present case, the whole amount realized in the shape of prizes was, as he had said, 117,000*l.* Now, what was the amount which had been awarded? The Government had awarded to the naval and military force engaged 420,000*l.*, not as prize money, he granted, but in the shape of batta. It might be true, that by such an appropriation one might suffer and another might gain; but it was considered by the authorities on the spot that as the operations were Indian, the distribution of the money, 420,000*l.*, to be appropriated as rewards, should be on the principle adopted in India—namely, by batta allowance, rather than on the principle of prize money. The Government could have no interest in allotting the money as batta, instead of as prize money. A reference had been made to the proportion which had, in this case, been awarded to the Commander-in-Chief and the principal officers of the expedition, in comparison with what had been given in former operations of a like character. He believed, that on previous occasions the principal officers had received a larger proportion than on this. His right hon. Friend had stated, that in respect to Algiers, a most severe battle, as all would admit, the sum of 100,000*l.* had been granted by the liberality of the Government, to be distributed as rewards amongst the force engaged; in regard to the battle of Navarino 60,000*l.* had been allowed; and 60,000*l.* had also been awarded in the case of the Syrian war. But he asked, was the House now prepared, departing from its proper functions, to act as a court of appeal against the liberality of the Crown in the exercise of its prerogative? Whatever the prevailing opinion of hon. Gentleman might be as to the merits of this particular case, he would appeal to them, whether they thought it was right or prudent to set the precedent of teaching the army and navy to look to the House of Commons for rewards and indulgences for services performed, instead of to the Crown? How easy it would be to say that the value of any particular service depended upon its merits, and not upon the amount of prizes obtained, and how easy it would be to call on the House of Commons to vote on every occasion, where no prizes were taken, a sum of money by way of largess to the troops engaged! But was it not the Crown which should judge of what was a fair return for the service performed? He repeated, he hoped the House would not think this a case in which it would be proper to interfere with the legitimate and constitutional functions of the Crown, and to intimate to the Government that they had no duty to perform in protecting the public interest. And if, as he contended, there was no want of liberality in the present case, he trusted the House

would not discourage the Government in their attempt to reconcile a due liberality to the two branches of the service of this country — the army and the navy, with what was due to the interest of the public. Above all, he would say, it would be most dangerous for a popular assembly, like the House of Commons, to constitute itself the judge of military service.

Mr. *Williams* thought the statement of the hon. and gallant Officer (Captain Berkeley) had been completely answered by the right hon. Gentleman; and if the Motion was pressed to a division, he thought those hon. Gentlemen in the House connected with the Navy would act most unadvisedly, and he must oppose them.

Viscount *Palmerston* was disposed to concur in principle generally with what had been stated by the right hon. Gentleman the Chancellor of the Exchequer, and the right hon. Baronet the First Lord of the Treasury, that the House of Commons should be careful and sparing in its interference with that part of the prerogative of the Crown which had reference to the rewards to be given for military and naval services. He argued that the army and navy ought to be taught to look to the Crown for rewards; and, as a general rule, it was most inexpedient for that House to interpose. At the same time the Motion of his hon. and gallant Friend was not altogether without example. In the case of the battle of Navarino, the House did interpose repeatedly, and at length the advice of the House prevailed with the Crown; and that payment was made which the Government had, for a long time, thought it their duty to withhold. And he thought the present was a case in which his hon. and gallant Friend was justified in urging the House to express an opinion that the Government ought to reconsider the decision it had come to. The right hon. Baronet stated correctly, that official men were naturally inclined to take the most liberal view of claims of this nature. Their personal feelings in the first place would lead them to look favourably upon them; but considerations of revenue, and considerations connected with the supplies, when the Chancellor of the Exchequer and the First Lord of the Treasury came to look at the expenses of the country on the one hand, and its income on the other, counterbalancing feelings of duty arose in their minds; and after all, it was a question dependent on duty rather than feeling, which would overrule those first impulses and those natural feelings to take the most liberal view of such demands. And if he thought that in this instance the Government had not extended its liberality to that extent which the just claims of the two services required, and their brave and brilliant achievements would justify, he did not impute to them any intention to overlook the just claims of those services; but in taking a less liberal view than he could have wished, they had, he believed, acted under the influence of what they considered their paramount duty, and upon the judgment they had formed upon the merits of the case. It was all very well to say, that soldiers and sailors were men who, in entering the service, were actuated by high and patriotic feelings only; and whose whole object was the honour and advantage of the country. No doubt those motives did influence them, and that those were the feelings with which many enlisted in the service of their country; but, at the same time, it could not be denied, that the expectation of prize money added a zest to the service, and gave an impulse to the soldier or the sailor when the day arrived for exertion, which it would be most unwise to withdraw from the mass of motives which influenced the conduct of men. And there was something of a wild, romantic nature in the very name of prize money, which rendered a small sum so obtained far more gratifying to the man who gained it, than a much larger amount received in the way of mere ordinary pay. Then it must not be forgotten that there were services which both soldiers and sailors were called upon to perform—perhaps the most difficult, the most hazardous, and the most dangerous —services full of continued exertion and painful endurance, for which no reward, no prize money was given. Take, for instance, the sufferings of the troops in Affghanistan; but neither the soldiers in that expedition, nor sailors engaged in a corresponding case at sea, would ever complain that the reward of prize money was not to be looked for by them, for they knew that by the established regulations of the service, no expectation of such reward was held out to them, and therefore no feeling of injustice was felt. But, on the other hand, when they were in a situa-

tion in which, according to the established rules of the service, they might expect some such advantage, if they did not receive it, they considered, and most materially so, that they had fair ground of complaint. Now the question was, did that fair ground of complaint arise in this case? Strictly and legally speaking, there could be no capture made before war was declared; but, as had been decided by Sir W. Scott, in the case of the Danish claims, that when, in a case of hostilities, a declaration of war followed, it gave the right of prize money for captures made before. He was not aware whether any declaration of war had been issued in the present case or not; but that was not the question. The Crown had waived the ground of right, and had granted the remuneration. But what was the nature of that remuneration? The right hon. Gentleman the Chancellor of the Exchequer said, that the payment of batta was chosen as the mode of reward, instead of prize money; that part of the force engaged belonged to the India Company; and that batta, and not prize money, was the usual mode in which the troops of that Company were rewarded. He doubted if in this the right hon. Gentleman was altogether correct. He had been informed by persons who had been engaged in the Indian service, that it had been customary to give to those soldiers batta and prize money too, and that in the case of Lord Harris's exploits, and also in the war under Lord Hastings, the troops of the India establishment received both pay and batta. The question, then, was not as the Chancellor of the Exchequer had put it, that batta having been paid, nothing more was due; but it was, why was not prize money given as well as batta in this case? In point of amount, comparing it with the nature of the service, its duration, and the importance of its results, the amount which had been paid in this case was not so great as had been awarded on previous occasions. If he was rightly informed, he believed that a petty officer, who had served in China during the three years over which that expedition extended, received 16*l.*; whereas the same class of officers engaged in the expedition against Algiers, received about 17*l.*; and the reward paid to officers of the same rank, who had been engaged in the short Syrian campaign, was 18*l.* But, then, it was said that there was no other fund from which the money could be taken. Now that was not putting the matter quite correctly. The right hon. Baronet had stated very truly, that the orders given to the naval and military commanders before the operations begun, were to abstain in a very signal degree from inflicting the calamities of war on the population of the country. In fact, it was our anxious object, that whereas peace and friendship with the people of China was our ultimate desire, that nothing should be done unnecessarily, in the course of the war, to stir up hostile feelings among the population at large. But the right hon. Baronet was mistaken in supposing that orders were given in the outset of the operation to abstain from taking the junks. On the contrary the seizure and detention of these vessels was one of the modes of reprisal which was to be resorted to, and one of the modes by which it was proposed to exercise a pressure upon the Chinese Government. Our officers then received instructions to blockade the coasts, and to seize upon coasting vessels. The last portion of these instructions was not carried out, for a reason which might sound insufficient, but was not so in reality. It was not that there were not junks to be found: quite the contrary. But the fact was, that the Admiral stated that they were so numerous, that if he began to take them, he had no means of doing anything with them; that to put crews on board of them would entirely unman our squadron; that to keep them at Chusan would be useless, and to try to send them to India or Singapore would be still worse. The plan of capture of the junks was, therefore, given up. But, even were it otherwise—if Government, as a matter of policy, had ordered the force to abstain from these captures—that would be no reason why the troops and the seamen employed should receive a less amount of prize money than they would otherwise be entitled to. But, then, it was said that was no fund from which to pay any increased amount of prize money. The demands upon the Chinese, as the right hon. Gentleman had said, were made in a threefold shape. We demanded money, first, as compensation for the opium seized; secondly, to pay the debts of the Hong merchants; and, thirdly, to cover the expenses of the war. That was all quite true; for if the Government would look back to the instructions given,

they would see that our Plenipotentiary was ordered to demand the sum required, in the following manner: — First, the value of the opium, to be ascertained by subsequent investigations; secondly, the debts of the Hong merchants, which were then known and ascertained; and, thirdly, the expenses of the war, which were to be ascertained, and accounts sent in to the Chinese Government after the affair was over, and the Treaty of Peace was signed. These were the instructions; but the last time that he saw Sir Henry Pottinger before he set out—on the very morning, indeed, that he left London—Sir Henry suggested to him that there might be some advantage (supposing that the Chinese acquiesced in the principle of our demands) were he authorized to treat for the payment of the whole in one round sum. "I said (continued the noble Lord) that may certainly be an advantage; how much do you think now, we may be able to get? 'Why,' said Sir Henry, 'the Emperor is a rich old gentleman enough, and I fancy we might look for five millions sterling from him—do you think that would do?' Well, I thought the matter over for a moment, and then I said, 'I think that will do very well if we can get it—it will probably pay for the opium, for the Hong merchants debts, and the expenses of the war.'" That was when Sir H. Pottinger left England; but the war did not conclude so soon as was then anticipated. The expenses were, of course, great in proportion, and the sum actually obtained fell short of what was required to meet the expenditure for which we had become liable. Certain communications then passed between the Government and the Plenipotentiary as to the sums which might be sufficient, and if it was deemed expedient to accept from the Chinese Government a sum which fell short of the full amount which might be demanded to include the expenses of the war. That was an act of political expediency, which formed no sort of answer to the demand made in the Motion now before the House. The ransom paid for Canton would have been considered, had the declaration of war followed, as prize money; and this circumstance ought not to be left out of the reckoning in discussing the present question. It had been said that 450,000*l.* was a large sum. Abstractedly it was so, perhaps; but sums were large or small in proportion to the objects for which they were paid; and if the sum in question was not sufficient to give to the troops and naval force employed that which would be a fair reward for their successes and achievements, then he maintained that it was not the aggregate sum which they must consider, but the amount per man that that sum would afford to pay. That the operations in China constituted a series of remarkable exploits would be admitted by everybody. He believed that Lord Stanley wrote a letter to the commander-in-chief of the expedition, in June, 1843, in which he stated that it was the determination of Government to cause a medal to be struck in commemoration of these services. In that document his Lordship expressed himself nearly as follows. He stated—

"That, although Her Majesty was of opinion that the award of a distinction of this nature should be reserved for very peculiar and special occasions—as, no doubt, it ought to be—and that great evil would arise from the frequent and indiscriminate granting of medals, in order to commemorate military and naval exploits, yet that it appeared to Her Majesty that, in the instance of the recent events in China, an exception could properly and usefully be made from the rule to be generally observed. The difficulties with which our forces had to contend on the recent expedition—difficulties arising from the absence of that local information which would have been accessible in respect to almost every other country—had been of the most formidable character; but they had been as gallantly met and triumphantly surmounted. Wherever opportunities had offered—and they were not wanting—for displays of skill and courage, our naval and military forces had nobly kept up the character of their respective services; and Her Majesty was happy in the belief that the great moral effect which had been produced upon the Chinese people, and to which Her Majesty principally looked for permanent advantages, had resulted not more from the irresistible power displayed, than from the moderation shown in victory, and the studious abstinence from unnecessary aggravation of the horrors of war; the discipline which prevailed during the excitement of success, and the good faith with which, on the first intimation of acquiescence in our demands, the invading forces had been withdrawn. Under these circumstances, Her Majesty was of opinion that the Chinese war, and its important results, should be commemorated by the issue of a medal, to be granted to those whose skill and valour had brought about its termination."

If, then, this war was so remarkable by the circumstances under which it was conducted, and if it had led to commercial

advantages, so great that no man could trust himself beforehand to calculate them, he thought that it was an occasion on which Government would be justified in taking a more liberal view of the claims now submitted to them, than under the different circumstances they would be inclined to apply to similar demands. He thought that the Government had not, on this occasion, given way so much as they might to that spontaneous impulse which, the right hon. Baronet stated, was apt to animate a Ministry upon such questions. He could only hope that, whether Government would, or would not, refuse the Motion of his hon. and gallant Friend, that no course which they might take, that no majority which they might command, would prevent them from giving these matters a fair and liberal consideration; and should it be found, on a comparison of what had been done in similar cases with what had been done in this, that the scale of recompense to the naval and military forces had been lowered from its old standard, then, he hoped, that nothing which had passed would be taken to pledge Government so as to preclude them from giving the united service a more ample reward.

Captain *Harris* had no doubt the soldiers and sailors who had been engaged in China would perform their duty in the same manner that they had done if they were called on to do so. But he certainly did not think the batta donation was a fair reward; 210,000*l.* had been distributed to the navy; but in such a way that only 4*l.* was paid to the petty officers. That was not a fair remuneration. He would not say what sum ought to be given; but he hoped that Government would increase the grant, and give such a sum as seemed fair under the circumstances.

Captain *Plumridge* thought that the appeal made by his hon. and gallant Friend was to the justice, not to the liberality, of the House. The shares awarded to petty officers were no payment for the services they had performed, and the dangers they had undergone. He contended that the petty officers had a right to a larger share of the prize money that the common sailors and boys. It was all very well to talk about honour and glory to seamen, but prize money was the great stimulus to which they always had and always would look.

Sir *James Duke* deplored the tone in which the discussion had been carried on on one side of the House, and deprecated the mercenary spirit so frequently during the debate attributed, but he believed upon no good grounds, to the seamen of the British Navy.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 69; Noes 27: Majority 42.

List of the AYES.

Antrobus, E.	Greene, T.
Arkwright, G.	Grogan, E.
Baird, W.	Halford, Sir H.
Barkly, H.	Hamilton, Lord C.
Baring, rt. hon. W. B.	Henley, J. W.
Benbow, J.	Herbert, rt. hon. S.
Bernard, Visct.	Hope, hon. C.
Botfield, B.	Howard, P. H.
Bowles, Adm.	Hughes, W. B.
Broadley, H.	Hutt, W.
Bruce, Lord E.	Jermyn, Earl
Buckley, E.	Kemble, H.
Cardwell, E.	Lennox, Lord A.
Chute, W. L. W.	Lockhart, W.
Clerk, rt. hon. Sir G.	Mackenzie, T.
Cockburn, rt. hn. Sir G.	Mackenzie, W. F.
Collett, W. R.	McNeill, D.
Corry, rt. hn. H.	Masterman, J.
Crawford, W. S.	Mundy, E. M.
Cripps, W.	Nicholl, rt. hn. J.
Damer, hon. Col.	Peel, rt. hn. Sir R.
Darby, G.	Peel, J.
Dickinson, F. H.	Pringle, A.
Douglas, Sir H.	Rashleigh, W.
Duke, Sir J.	Scott, hon. F.
Ewart, W.	Smith, rt. hn. T. B. C.
Fielden, J.	Somerset, Lord G.
Fitzroy, hon. H.	Sutton, hon. H. M.
Flower, Sir J.	Tennent, J. E.
Forman, T. S.	Trench, Sir F. W.
Forster, M.	Trevor, hon. G. R.
Fremantle, rt. hn. Sir T.	Wellesley, Lord C.
Gaskell, J. Milnes	Williams, W.
Gordon, hon. Capt.	TELLERS.
Goulburn, rt. hn. H.	Young, J.
Graham, rt. hn. Sir J.	Baring, H.

List of the NOES.

Bannerman, A.	Moffat, G.
Barnard, E. G.	O'Connell, M. J.
Berkeley, hon. H. F.	Paget, Col.
Berkeley, hon. G. F.	Palmerston, Visct.
Bowes, J.	Pechell, Capt.
Browne, hon. W.	Plumridge, Capt.
Butler, P. S.	Somers, J. P.
Colebrooke, Sir T. E.	Strickland, Sir G.
Duncan, G.	Troubridge, Sir T.
Gladstone, rt. hn. W. E.	Villiers, hon. C.
Harris, Capt.	Wakley, T.
Hawes, B.	Wawn, J. T.
Langston, J. H.	TELLERS.
Maher, N.	Napier, Sir C.
Mitcalfe, H.	Berkeley, hon. Capt.

IRISH ECCLESIASTICAL COMMISSION.] On the Motion that Mr. *Speaker* do now leave the Chair,

Mr. *Evelyn Denison* rose to call the attention of the House to the management and disposal of that part of the property of the Irish Church vested in the hands of the Irish Ecclesiastical Commissioners. The hon. Gentleman commenced by stating that the Irish Ecclesiastical Commission had received upwards of 450,000*l.*, as the produce of lands sold under their direction in Ireland. He had taken some pains to ascertain the average value of land in that country. In England it was worth about thirty years' purchase; but in Ireland, taking one year with another, he thought that he was within the mark in stating that the land there was worth at an average above twenty-three years' purchase. Notwithstanding this, however, the land under the charge of the Commission had none of it been sold at a higher rate than twenty years' purchase. Now, if land worth twenty-three years' purchase had been sold for twenty, it would appear that a much larger sum than 450,000*l.* ought to have been realized by the Commission, had they properly exercised their functions. It was impossible to look into the subject without seeing that property, to a very large amount, had been sacrificed by this system of management. It would perhaps, be asked, how if such terms had been offered to the lessees, had not all the Church property held in Ireland been converted into freehold property, and so enfranchised? The reason was this: at the end of the Temporalities Bill was a clause permitting all persons whose property fell into the hands of the Commissioners, to renew their leases on the same terms as those on which they had been in the habit of renewing them under the bishops. The consequence was, that when a lessee thought that he had made a good bargain in enfranchising his land, his neighbour would probably tell him that he might have obtained the same advantages without the three years' purchase, as by the Bill a power was guaranteed of obtaining the renewal of leases, and without those chances and contingencies under which they were held under the former tenure. Now, he wished to know what had become of the money sacrificed to this system of management pursued by the Commission? Every farthing was gone in the annual outgoings. When he saw such an amount gone in such a way, he thought he should not discharge his duty, if he did not call on the House to check this great and growing evil.

Sir *T. Fremantle* was not prepared to dispute in the main the statement made by the hon. Gentleman; but he must state at the outset that the attention of the Government had, for some time, been directed to this subject, and that, at the suggestion of his right hon. Friend the Secretary for the Home Department, an official communication had been made by the Lord Lieutenant to the Ecclesiastical Board, calling their attention to the circumstance of the money realized under the Commission not being devoted to the annual expenditure. It must be borne in mind that these Commissioners were an independent corporation, over which the Government had no direct control; and they must judge for themselves as to the manner of exercising those powers entrusted to them by Act of Parliament. The two points to which the hon. Gentleman had called attention were the terms on which the leases had been converted into perpetuities, and the mode in which the money realized had been expended. Now, a large number of the tenants holding Church leases had not converted them into perpetuities. Only one-third, and no more, had availed themselves of the terms offered. He believed that in the suppressed sees the fines were fixed on the renewal of the leases. That power did not exist as to the sees not suppressed. As to the manner in which the money had been expended, he was not prepared to say that if greater economy was used, a considerable sum might not have been saved. But, at the same time, he must point out the heavy charges which the Commission had to meet. There was, in the first place, the repair and rebuilding of all the churches in Ireland; and no doubt when the trust was first undertaken the churches were in a dilapidated state. A heavy expenditure was therefore incurred in repairing old churches and building new ones; and the Commissioners had often to determine, when local contributions in favour of such an object were large, whether it would not be better to advance a somewhat larger sum for the erection of new churches, than to expend a smaller amount in inadequate repairs of old churches. Under this head the sums expended were 69,000*l.* and 54,000*l.* some years, and even 26,000*l.* last year.

For the requisites of divine service the sum laid out was 32,000*l.* The expenses of the Board itself were 6,000*l.*, and the whole expenditure was about 79,000*l.* per annum. The Archbishop of Dublin told him that there were applications for churches to the amount of 100,000*l.*, which the Board was unable to answer. He did not undertake to say that this statement was perfectly satisfactory; and he did not at all deprecate the attention of the Government being called to the subject. He hoped when a larger revenue accrued that the expenditure would be kept within the income, and that the amount realized by the sale of perpetuities would be devoted to the annual expenditure, and not wholly disbursed.

Mr. *Hawes* must say the statement of the right hon. Gentleman was anything but satisfactory. Here was a sum of 450,000*l.* realized by the conversion of leases into perpetuities, and they were told the whole capital was expended already. The people of England had a direct interest in this question; for he did not see why, if this property were properly managed, it might not have been devoted to such a purpose as that of increasing the College of Maynooth. The right hon. Gentleman said the expenses of the Commission were 6,000*l.* He found by a return on the Table they were double that amount. When Lord Stanley's Act had led to consequences so pernicious, he did not see why the Government did not immediately take steps to amend it. The Government acknowledged the mode of applying the money to be unwise, and yet they permitted half a million of money to be wasted. It was said, however, that this body was a corporation, and the Government could not interfere with it. But Parliament, which created the body, could surely remedy the evils which it caused. If there was a loss of 500,000*l.* on a third of these conversions, it was easy to calculate that a million and a half would be lost on the remainder. He called on the friends of the Church to see this subject sifted, and he put it to the Secretary for the Home Department, whether he could have any objection to appoint a Committee to inquire into this subject?

Sir *James Graham* acknowledged this was a very grave subject, and by no means improperly brought under the consideration of the House. It was a question which attracted his anxious attention, and nearly a year ago he thought it necessary to call the attention of the Lord Lieutenant to the facts disclosed. He differed from the hon. Gentleman as to his estimate of the inadequacy of the sales arising from the conversion of church leases. It being the object (for purposes of general policy) to render those conversions general within a limited time, it was of course desirable to hold out inducements to the tenants to come into the terms of the Commissioners. He believed, after careful and anxious inquiry, that the terms were only liberal and fair. Having stated that he concurred in the other view of the hon. Gentleman, that the expenditure of the capital, instead of considering the sum realized as an usufruct, was, though in conformity with the Act of Parliament, an unfortunate view taken by the Commissioners of their duties as trustees. He considered that this money was, in the broadest sense, trust money, and he demurred altogether to its being devoted to Maynooth, or perverted in any way from the original use. [Mr. *Hawes:* But the Church has not got the money.] It must be recollected that when the Church Temporalities Act passed, a heavy burden was raised by a vestry cess on persons of every persuasion, for the maintenance of the fabric of the Church and the usages of worship. That was felt to be a great grievance; and, with the view of promoting peace and concord, a sum of 50,000*l.* a year was cast on the property of the Church of Ireland. In consequence of the opposition to such a charge, the fabrics of the Church had, in many instances, fallen into decay. And the average expenditure of the Commissioners for the first years of its operation was much higher than it would be in future. In many cases, too, the claims put forward by private subscribers for aid, were felt to be irresistible, and such advances were, of course, made out of the funds of the Church. Out of a loan also of 100,000*l.* 40,000*l.* had been repaid. But, on the whole, he considered it an unsound and unwise discretion—that for the interest of the Church, well understood and carefully guarded, the capital realized by the sale of these leases should be expended. There were on the Board two paid Commissioners. The Executive had, therefore, a direct control over it. And he was bound to state that the official communication of the Lord Lieutenant was received by the Commissioners in a most frank and candid spirit. They stated that the amount of capital expended in the last year was less

than that in the antecedent; and he had reason to believe that in future years the expenditure of income, without any entrenchment on the capital, would be strictly adhered to. He was bound to say that if he saw the safety of the Church property in Ireland required it, he should not hesitate, for a moment, in introducing a Bill next Session on the subject of these leases; but he did not anticipate that any such necessity would arise. Whatever past errors were committed, he believed they were in the progress of correction.

Sir *R. Ferguson* was very glad to hear the speech of the right hon. Gentleman; for he considered the Government clearly responsible for every proceeding of that Board. He thought not a full but a sufficient price had been obtained for the lands under lease. His hon. Friend (Mr. Denison) contended they were worth twenty-three years' purchase; but his hon. Friend spoke of lands where a rent was reserved of one-fourth of the value, and this always fetched a higher price than that held in fee-simple. There were returns in the value of these lands, one by Mr. Finley, and the other by the Commissioners themselves, on the Table of the House. The first estimated them at 1,500,000*l.*, and the latter at 1,250,000*l.* Now, according to the Commissioners themselves, they should have fetched 200,000*l.* more than the 450,000*l.* which the right hon. Gentleman gave as the return. The right hon. Gentleman said, only a third of the tenants had accepted the perpetuities. Now, he knew one-half the property was sold, and he should give his authority. The landed Commissioners summoned the treasurer of the Ecclesiastical Commission, and he deposed that fully one-half were sold. The right hon. Gentleman said, too, that the expenses of the Commission were but 6,000*l.* He could prove, however, that the sum for clerks, architects, solicitors, &c., amounted up to 13,587*l.* The expenditure was very great, not to say anything worse of the Board. They at first paid their architects by a per centage on the outlay for their works, and this sometimes amounted to 9 per cent. They were now placed on salaries. But this only showed how necessary it was to look into the proceedings of this body. He did not want to throw blame on the Government, for previous Governments were more to blame than the present; but it really seemed as if the office of Lord Lieutenant only existed as a cover for a horrible system of jobbing.

Mr. *Henley* must say, the disclosures made startled him not a little. It appeared while parties in this country were quarrelling as to the application of the surplus revenue of the Church in Ireland, some gentlemen in that country took very good care that no surplus should exist. The matter was one with which that (the Ministerial) side of the House had nothing to do, for it originated with the Government of the hon. Gentlemen opposite. He did hope, that there would be some strong steps taken to put the question on an honest footing.

Viscount *Bernard* fully concurred in what had fallen from the right hon. Baronet the Secretary of State for the Home Department. Without entering into the question whether the different contractors might not have done their work cheaper, he would beg leave to say that there was full employment in Ireland, in the repairs of churches, for the 400,000*l.* that it appeared had been expended by these Commissioners. His principal object in rising was to remark that there was still a considerable number of parochial churches in Ireland in a most disgraceful state. In one diocese alone divine service was celebrated in no less than fifty school-houses, in localities where churches did not exist. In a case which had come under his own knowledge, the Ecclesiastical Commissioners were called upon to build a church in a place where divine service had not been before performed, and where no Protestant congregation existed. They declined doing so, and a church was now in course of being built there by voluntary contributions. The consequence was, that a Protestant congregation was now formed in the parish, and divine service would, in future, be celebrated without any aid from the Commissioners. He wished also to remind the House that 100,000*l.* given by the late Government as a part of the 1,000,000*l.* advanced to the clergy of the Irish Church, had been since taken away from them.

Mr. *M. J. O'Connell* said, he thought the discussion which had taken place on the question a very important one. They had very strong contradictions between two right hon. Secretaries—one, the right hon. Baronet the Chief Secretary for Ireland, having stated that the Ecclesiastical Commissioners were independent of the Government—and the other, the right hon. Baronet the Home Secretary having alleged

that they were completely under the control of the Government. However, it appeared that the right hon. Chief Secretary of Ireland was right; for the right hon. Baronet (Sir James Graham) had admitted that he had called attention to the matter nine months ago without effect. There appeared to be great discrepancies as to the value of the property sold; but one thing, he thought, was clear, and that was, that the subject could not be left as it stood at present. He would beg to suggest to the hon. Member for Malton (Mr. J. E. Denison), the propriety of his moving for the appointment of a Committee next Session to investigate the matter. In his opinion, there was no use in going into the question of the establishment of this Board. But finding it established, and that it worked badly, they had a right—no matter what opinions they might entertain as to church property in Ireland—to call for inquiry, and, if necessary, for further legislative provisions.

Sir *Thomas Fremantle* begged to explain. It was a mistake to suppose that he was at all indifferent on the subject. He had already taken occasion to express his satisfaction that the question had been brought under the notice of the House, and he was fully sensible of the great importance which was to be attached to it.

Mr. *Grogan* said, he was glad that an investigation was likely to take place on the question; as he believed the Board had not given entire satisfaction either to the clergy or the public. He would mention one instance, which had come under his own notice. It was the case of a parish church in Dublin, which had been taken down as being unsafe. The parishioners had, it was true, consented to the removal of the church; but it was on the supposition that it would be rebuilt. Repeated applications had been made to the Commissioners to rebuild it, but without success, as they persisted in declaring they had no funds for the purpose.

SUPPLY—MISCELLANEOUS ESTIMATES.] House went into Committee of Supply on the Miscellaneous Estimates and Civil Contingencies.

On the First Vote being moved, of 32,011*l.* 10*s.* to defray law charges, and the salaries, allowances, and incidental expenses in the office of the Solicitor for the affairs of Her Majesty's Treasury for the year 1845-6,

Mr. *W. Williams* wished to know from the right hon. Gentleman the Chancellor of the Exchequer whether there was really any necessity for having seven lawyers in this department. They had a solicitor, an assistant solicitor, and five clerks, all of whom, he presumed, were lawyers, and the salaries of these officers amounted to no less than 6,011*l.* 10*s.* He also perceived that the estimated cost of prosecutions was put down as 26,000*l.*, and he thought the House should not vote such a sum without being at least apprized of what these prosecutions were.

Mr. *Cardwell* said, the Solicitor for the Treasury had to discharge the business of no less than thirteen departments of the public service. The gentleman who at present filled that situation, was a most invaluable public officer; and by all who were acquainted with the manner in which he discharged his duties, the amount of salary which he received—2,850*l.*—would, he was convinced, not be thought too great. Arrangements had, however, been made, by which, on any future occasion, the gentleman selected to fill that office would not receive more than 2,000*l.* a year. The prosecutions were such as would be necessary in the thirteen departments to which he had alluded; but on this subject the hon. Gentleman might rest assured that the greatest economy would be practised.

Vote agreed to.

The next Vote was 16,218*l.* to defray the expenses of the Pentonville Prison.

Mr. *W. Williams* said there were 475 prisoners in this prison, and the salaries of the officers placed over that number of prisoners amounted to no less than 7,558*l.*, being an average of 16*l.* for taking care of each prisoner. In addition to that sum there was a cost of 31*l.* for each prisoner. Now, it had been shown by the Anti-Corn-law League that the wages of an agricultural labourer in the southern counties was, on an average, not more than 7*s.* a week, or 18*l.* 4*s.* a year, so that the cost of one condemned felon was more than the amount of the entire support of two families of the labouring population. The salaries of the persons employed to teach the prisoners trades and manufactures amounted to 1,500*l.*; while the entire produce of their labour amounted to only 1,498*l.*, or 12*l.* less than the salaries amounted to. Thus, notwithstanding all that had been said in praise of this labour system, the result was, that the produce of each prisoner's work was less than 1½*d.*

a day. He also objected to the item of 360*l.* for washing in the prison, as he thought the prisoners ought, at least, be made to keep the prison clean.

Colonel *Sibthorp* said, he did not know what the hon. gentleman paid his labourers, but he could assure him that he (Colonel Sibthorp) and hon. Friends near him paid their labourers from 12*s.* to 15*s.* a week.

Mr. *Hindley* would wish to know how many officers were in the prison, and what salaries were paid to them.

Sir *J. Graham* said, that the hon. Member for Coventry was rather a hard task-master. Last year he complained in like manner of the annual expense of this establishment, when the grant amounted to 20,364*l.* In 1843, it was 25,850*l.* This year it was 16,218*l.*, showing a decrease on last year of 4,146*l.*, and on the previous year of 9,632*l.*; without any diminution, he should rather say, there was an increase in the number of prisoners. Viewing the system abstractedly, he admitted that it could not be regarded as economical, although he could assure the hon. Member that every attention was paid to economy in the arrangements of the prison. All the prisoners confined in the establishment were convicts under sentence of transportation for a period of not less than 7, and in many cases 10 and 14 years. Unless the system of this establishment proved successful, it would be the duty of the State to maintain those prisoners in a penal Colony, for the period of their sentence. If successful, if by the discipline to which the prisoners were subjected, a reform were effected in their character and habits at the expiration of eighteen months, that being the time for which they were here imprisoned, they might be said to be no longer a source of expense to the State, because, from the moment of their arrival in the penal Colony, the State was relieved from the cost of supporting them. As far as the experiment had gone, it had proved eminently successful. He admitted that the system of prison discipline was not in itself economical; but if he were right in the position he had just attempted to establish, it eventually proved so to the nation; because the comparatively trifling expense attendant upon the instruction they received during the short term of their imprisonment here, superseded the necessity of a very heavy expense during the prolonged period of their transportation. The right hon. Baronet read an extract from the Report of the Commissioners, recently presented to Parliament, to show that the experiment of training the prisoners to the higher branches of labour, by which they might be enabled to earn an honest livelihood in another country, and the attention paid to the improvement of their morals in the Pentonville establishment, had been attended with success. In reply to the hon. Member for Ashton-under-Line, he wished to say that he believed the Paper containing a return of the number of the instructors, which was considerable, and of their salaries, was ready, and could be presented at once.

Mr. *Ewart* expressed his approbation of the system adopted in the Pentonville establishment; but regretted that it was not carried further, and applied to Van Diemen's Land, the system of which was quite at variance with this, and ought to be abolished.

Mr. *Williams* had heard the statement of the right hon. Baronet with great pleasure. He rejoiced at the success of the experiment, and the improvement it had effected in the habits of the prisoners; but he confessed, he doubted the policy of making those men tailors or shoemakers. What the Colony to which they were sent wanted was persons having some knowledge of agriculture or agricultural labour. Their services would prove much more valuable and important. With regard to the question he first started, he must observe that the right hon. Baronet had not at all accounted for the inability of the prisoners while in this establishment to earn more than three-halfpence a day.

Sir *J. Graham* said, it must be remembered the system of Pentonville prison was the system of complete separation, so that labour could not be carried on so as to meet the hon. Member's views.

Mr. *Hindley* asked what were the respective salaries of the chaplain and the medical officer.

Mr. *Cardwell* replied, that the chaplain received 400*l.* a year, the assistant chaplain 200*l.* a year, and the medical attendant 300*l.* a year.

Mr. *Hindley* considered such a charge to be monstrous. It was paying more than a pound a head for each prisoner.

Mr. *Hawes* said, that he had repeatedly visited the prison, and he knew that the duties of the chaplain were most laborious. It was utterly impossible to carry out the

system without having such an officer as chaplain. He believed that the money for this purpose was most properly and beneficially laid out.

Mr. *Wakley* said, that the system of administration in that gaol could not be tried without a large expenditure of pounds, shillings, and pence. He had often been in this prison, and he believed that nothing could be better than the system existing there. In the first instance, he had viewed the foundation of the establishment with feelings of horror, and as being merely an instrument of torture; but the results had been most astonishing, and most gratifying. He had examined the prisoners themselves closely, and he had watched the proceedings, and he firmly believed that not one in fifty of the unfortunate inmates of the prison, when liberated, would again violate the laws of the country.

Vote agreed to.

On the Vote that 28,118*l.* be granted to defray the expenses of the Millbank Prison for the year 1845-46, being put,

Mr. *W. Williams* said, that he observed that in this Estimate, there was a charge of £200 a year each for three inspectors of the prison. This appeared to be a new species of appointment; he, therefore, wished to know what was the object of it?

Sir *J. Graham* observed, that this charge certainly appeared for the first time in the Estimates, but it was necessary, in consequence of new arrangements with respect to this prison. Complaints were formerly repeatedly made by several hon. Gentlemen as to the system of prison discipline carried on in this prison. He had considered it expedient to alter the whole system in this prison. By this new arrangement, every male and female convict, sentenced to transportation, was, as soon as possible, conveyed to Millbank, and there they remained for three months under the close inspection of these three officers. The persons appointed to these offices, were the three inspectors of prisons. One or other of these inspected the convicts in Millbank prison constantly, indeed almost daily. At the end of three months the inspectors, in their report to him, recommended the course which should be adopted as to the future destination of each convict. They selected a certain number for the Pentonville prison, where they would be taught a useful trade, which would be of essential service to them when removed to the Colonies; while others, who had been guilty of the most serious crimes, the commission of which was formerly attended with capital punishment, were selected to be sent to Norfolk Island. On the arrival of the former class at Van Diemen's Land, after having been taught a trade, there was a further gradation. Some of them received a conditional pardon, while others received ticket of leave, which was a gradation something short of pardon. With respect to every convict, there was a special report made to him, and on such report he, on his responsibility, provided accordingly. He need not allude to the high character of those three gentlemen, as they were well known. Their respective salaries, as inspectors of prisons, was only £800 a year; and as these additional duties had been imposed upon them, it was only considered proper that they should have an increase of £200 a year, making altogether £1000 a year.

Vote agreed to.

On the vote of 250,000*l.* to defray the charges of Convict Expenditure in New South Wales and Van Diemen's Land,

Mr. *Ewart* took occasion to object to the whole system of transportation at present adopted. He stated that the free settlers in Van Diemen's Land were extremely indignant at the letting loose amongst them of the most depraved characters. He understood that morality was no longer safe in that Colony, and that the free settlers were about petitioning Parliament against what the noble Lord the Secretary for the Colonies termed "the probationary system." He was of opinion that much more good might be effected than at present by substituting the Pentonville system for that of transportation, whilst he believed that the expense would not be so great.

Sir *J. Graham* could not deny that there were many serious moral objections to transporting felons into a Colony; but, taking the balance of good and evil, he thought it was far better that they should be transported, than be retained in the mother country. On the average, the number of prisoners convicted of felony in Great Britain, amounted annually to some 5,000. Pentonville would not contain above 600; besides, he could not think of recommending that the Pentonville system should be applied to the whole of

these 5,000; he doubted, in fact, whether it could be properly applied to more than the present number out of the average number annually convicted.

Mr. *Wakley* trusted that some means of improving the minds and morals of prisoners would be adopted in the gaols of this country. He hoped that the right hon. baronet would propose some measure with reference to prison discipline generally, founded on the system pursued at Pentonville.

Vote agreed to.

On the Vote of 2,006*l.*, for defraying the salaries of certain professors at Oxford and Cambridge,

Mr. *Wakley* complained that a salary of only 100*l.* was appropriated from this Vote to the professors of Chemistry. He thought, considering the importance of that science in connexion with medicine, manufactures, and the arts, that all possible facilities should be afforded for its study.

Vote agreed to.

The next Vote was for 4,540*l.* to defray the expenses of the University of London.

Mr. *Ewart* said, with reference to the observations of the hon. Member for Finsbury, that he considered it most desirable for the interests of the country that the utmost encouragement should be given to the cultivation of the science of chemistry.

Mr. *Warburton* said, that during ten months in the year very good laboratory instruction in chemistry could be obtained in London. The laboratory in University College had recently been enlarged, and that institution could now receive thirty laboratory pupils. Hon. Gentlemen must not suppose that many of these laboratory pupils came from the agricultural districts; they came almost exclusively from the manufacturing districts.

Mr. *Wakley* expressed his desire that a national institution for affording instruction in chemistry should be established. He believed that during a recent visit of Professor Liebig to this country, the right hon. Baronet (Sir R. Peel) had had an interview with him, and that the professor had made some most startling statements with reference to this subject. Professor Liebig had told him that it was frightful to see the waste of capital in connexion with manufactures in this country, in consequence of our ignorance of chemistry. He hoped the right hon. Baronet would turn his attention to the matter, with a view to providing better means of instruction in the science.

Sir *R. Peel* said, he had had an interview with Professor Liebig on this subject, but he was not quite convinced of the policy of direct Government interference in such a matter. He was by no means satisfied that an institution for the express purpose of teaching chemistry would be so successful and efficient in this country as similar institutions had been abroad; but he thought, considering the splendid educational establishments which existed in this country and in Scotland, that it was the duty of those by whom such institutions were conducted, to make proper provision for the cultivation of that important science.

Vote agreed to.

House adjourned at a quarter to three o'clock.

HOUSE OF LORDS,

Monday, July 21, 1845.

MINUTES.] BILLS. *Public.*—1ª. Merchant Seamen; Drainage (Ireland); Rothwell Prison; Land Revenue Act Amendment; Fisheries (Ireland); Masters and Workmen; Grand Jury Presentments (Dublin); Joint Stock Companies; Spirits (Ireland); Excise Duties on Spirits (Channel Islands); Drainage of Lands; Poor Law Amendment (Scotland).

2ª. Colleges (Ireland); Art Unions; Unlawful Oaths (Ireland); Turnpike Acts Continuance; Militia Ballots Suspension.

Reported.—Apprehension of Offenders; Loan Societies; Turnpike Trusts (South Wales); Highway Rates.

Received the Royal Assent.—Sir Henry Pottinger's Annuity; Assessed Taxes Composition; Timber Ships; Oaths Dispensation (No. 2); West India Islands Relief; Seal Office Abolition; Museums of Art; Public Museums, etc.; Canal Companies Carriers; Dog Stealing; Railway Clauses Consolidation (Scotland) (No. 2); Infeftments (Scotland); Banking (Scotland); Statute Labour (Scotland); Arrestment of Wages (Scotland); Schoolmasters (Scotland); Banking (Ireland); Constables, Public Works (Ireland).

Private.—1ª. Epping Railway.

2ª. Bristol Parochial Rates; Monmouth and Hereford Railway; South Wales Railway.

Reported.—Sheffield Waterworks; Newcastle and Berwick Railway; Edinburgh and Hawick Railway; Aberdeen Railway; Dundee and Perth Railway; Lutwidge's (or Fletcher's) Estate; Tacumshin Lake Embankment; Bermondsey Improvement; Edinburgh and Northern Railway; London and South Western Metropolitan Extension Railway; South Eastern Railway (Tunbridge to Tunbridge Wells); Birmingham and Gloucester Extension Railway (Stoke Branch); Scottish Central Railway; Scottish Midland Railway; Caledonian Railway; Clydesdale Junction Railway.

3ª. and passed:—Marquess of Donegal's Estate; Marsh's (or Coxhead's) Estate; Bowes' Estate; Westminster Improvement; West London Railway Extension and Lease; Newport and Pontypool Railway; Falmouth Harbour.

Received the Royal Assent.—London and Greenwich Railway; Belfast and Ballymena Railway; North British Railway; Lancaster and Carlisle Railway; York and North Midland Railway (Harrogate Branch); North Woolwich Railway; Guildford Junction Railway; Waterford and Kilkenny Railway; Exeter and Crediton Railway; Bridgewater Navigation and Railway; Shef-

field and Rotherham Railway; Edinburgh and Glasgow Railway; Newcastle and Darlington (Brandling Junction) Railway; Southampton and Dorchester Railway; Eastern Union Railway Amendment; Glasgow, Paisley, Kilmarnock, and Ayr Railway (Cumnock Branch); Dundalk and Enniskillen Railway; Eastern Union (Bury St. Edmund's) Railway; Londonderry and Enniskillen Railway; Chester and Birkenhead Railway Extension; Whitehaven and Furness Railway; Manchester, Bury, and Rossendale Railway (Heywood Branch); Great North of England and Richmond Railway; Blackburn and Preston Railway; Leeds and Thirsk Railway; Huddersfield and Manchester Railway and Canal; North Wales Railway; Taw Vale Railway and Dock; Manchester and Birmingham Railway (Ashton Branch); Ashton, Stalybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches) Railway; Eastern Counties Railway (Ely and Whittlesea) Deviation; Manchester, South Junction, and Altrincham Railway; Trent Valley Railway; London and Brighton Railway (Horsham Branch); Ulster Railway Extension; North Wales Mineral Railway; North Union and Ribble Navigation Branch Railway; Saint Helen's Canal and Railway; Great North of England, Clarence and Hartlepool Junction Railway; Great Western Railway, Ireland (Dublin to Mullingar and Athlone); Cockermouth and Workington Railway; Richmond (Surrey) Railway; Cork and Bandon Railway; Liverpool and Manchester Railway; Great Southern and Western Railway (Ireland); Preston and Wyre Railway; Lynn and Dereham Railway; Middlesbro' and Redcar Railway; Dublin and Drogheda Railway; Newry and Enniskillen Railway; Dublin and Belfast Junction Railway; Waterford and Limerick Railway; Glossop Gas; Glasgow Bridges; Totnes Markets and Waterworks; Wolverhampton Waterworks; Lyme Regis Improvement, Market, and Waterworks; Dundee Waterworks; Blackburn Waterworks; Hartlepool Pier and Port; Kendal Reservoirs; Manchester Improvement; Belfast Improvement; Chelsea Improvement; Agricultural and Commercial Bank of Ireland; Quinborowe Borough; Forth and Clyde Navigation and Canal Junction; Manchester Court of Record; Reversionary Interest Society; Keyingham Drainage; Shepley Lane Head and Barnsley Road; Harwell and Streatley Road; Winwick Rectory; Lady Sandy's (Turner's) Estate; Kidwelly Inclosure.

PETITIONS PRESENTED. From Clergy of West Grinstead, and several other parishes, in favour of the Lunatic Asylums and Pauper Lunatics Bill.—By Lord Camoys, and Earl of Eldon, from Fellows or Tutors of Oxford University, of Catholic Inhabitants of Cork, and from Roman Catholic Bishops and Clergy of United Dioceses of Waterford and Lismore, against the Colleges (Ireland Bill.—By Lord Stanley, from Managers, Professors, and Visitors of Royal Belfast Academical Institution, and from various Literary Societies, and from Inhabitants of Belfast, in favour of the Colleges (Ireland) Bill.—From Withington, for the Better Regulation of Beer Houses, especially on the Sabbath.—From Merchants, Bankers, and others of Cambridge, for Amendment of Law relating to Bankruptcy and Insolvency.

PENINSULAR OFFICERS.] The Duke of *Richmond* said, in accordance with the Notice which he had given on Friday last, he begged leave to present a petition from the undecorated officers who had served in the Peninsular war, on the subject of decorations conferred on the army engaged in the late war; and praying that this House will interpose in behalf of the said officers, and bring their case to the notice of Her Most Gracious Majesty. The petition was drawn up in so proper and respectful a manner, that he felt the best course he could adopt would be to read a portion of it in the House. The noble Duke then read an extract from the petition, stating that the petitioners did not deem it necessary to trouble their Lordships' House with any details of the services in which they had been engaged, because the Thanks of Parliament had been repeatedly offered for these duties, and because self-adulation would ill become the character of British soldiers: That they threw themselves on the recommendation of their Lordships, with an earnest hope that the House would interpose in their behalf by drawing the favourable notice of the Sovereign to their case. He thought it was scarcely necessary for him to detain their Lordships at any length on the subject of that petition. He felt, however, that he ought to remind the House of the great importance which the operations in the Peninsular war were to the ultimate pacification of the world. There were many of their Lordships who might remember that period of the history of the country, when alarms prevailed throughout the greater part of the nation —when the walls of Parliament, night after night, re-echoed with melancholy forebodings that the British army would, before long, have to fall back on their ships for refuge, and be forced, probably at no distant day, to return to their native land defeated and disgraced. But, thanks to the transcendent talents and skill of his noble Friend (the Duke of Wellington), and the bravery and heroism of the troops who acted under him, the glory of the British arms was not only maintained, but the flag of England was planted on the soil of France. Every one would admit that the British soldiers did their duty during that period—not in one short campaign alone, but during a struggle, the duration of which extended for several years. Nor should it be forgotten that, throughout all that time, they were opposed by the veteran legions of Napoleon—by men who had been reared in the midst of war, and who were as intelligent as they were intrepid. He would not urge, in support of the claims of the petitioners, any fear that the English army would not hereafter do its duty. On the contrary, he believed their brave armies would ever be found ready to maintain the honour of their Sovereign and their country. He believed that the natural bravery of the soldier—the enthusiastic *esprit du corps* which he possessed—the feeling that, on

his own personal exertions, as it were, might depend the fate of the day, would ever lead the British soldier to do his duty. He would not, therefore, put the case of the petitioners on this ground, but he asked what they required as a simple act of justice; for he could regard a debt of gratitude only as an act of justice, and in this light he was sure the country at large would also view it. He did not wish to impute blame to any individual in the country, still less to his noble Friend the noble Duke, for whom he ever did and ever would entertain the strongest feelings of attachment and regard. He sought not to attach blame to those who gave medals to the men who fought and conquered at Waterloo, and to those who conferred the honours that were bestowed on the soldiers who fought their battles in India and China; but this he would say, why should they not place those whom they saw covered with wounds received in the Peninsular campaigns, on the same footing with their brethren in arms? He felt that, in presenting this petition, he was but doing his duty to their Lordships in offering these remarks. He would not detain the House longer, because he felt it was unnecessary for him to recapitulate the heroic achievements of the great army to which he had been referring. He felt it to be a personal compliment to himself to have this petition entrusted to him for presentation, by gentlemen with whom he had become acquainted in early life, and for whom he necessarily felt a deep admiration, on account of their heroic deeds. In conclusion, he begged to present this petition from the veterans of the Peninsular war.

The Duke of *Wellington:* My Lords, the petitioners do me but justice in stating that I have never mentioned or referred to the war in the Peninsula excepting in terms of praise of their conduct. But, my Lords, it gives me the greatest concern to feel myself under the necessity of submitting to your Lordships, that your Lordships cannot regularly, and according to your usual practice, interfere in a question of this description. Some years have elapsed since these same petitioners made an application to me—if I recollect rightly in the year 1840—on the same subject which they have now brought under your Lordships' consideration. I then stated to them the relation in which I had stood both towards them and towards the Government during a considerable number of years. I stated to them that it had been my duty for several years to report their conduct, whether as an army, or as divisions of that army, in brigades or regiments, or as individuals belonging to the army, to the Government of the Crown, and to bring it thus under the knowledge of the Sovereign: but, my Lords, I stated that as to the rewards to the army, these were matters to which I could otherwise make no reference—that they were acts which were confined to the Sovereign, and to the advisers of the Sovereign—and that in this light I had never presumed to interfere in any manner, excepting when called upon to give my opinion, or to carry into execution the orders of the Sovereign to recommend persons for honourable marks of distinction. My Lords, I then recommended those Gentlemen to make their representation to the Sovereign through the proper channel. Since I received notice from my noble Friend of his intention to present this petition, I have inquired whether any such application has been since made; and I can not only find no trace of such application, but I cannot find any account of such an application having been ever made. I have heard, indeed, that a similar petition to that which my noble Friend has brought before your Lordships was presented by an hon. Gentleman in another place; and the present petition is addressed to your Lordships. But, I beg leave to submit to your Lordships, that the proper course for these petitioners to adopt is, to present their petition to the Sovereign, and not to come to the Houses of Parliament in order to require the interference of the Legislature in a matter which is strictly and exclusively the prerogative of the Sovereign. My Lords, I invariably, and I believe, in a satisfactory manner—at least I never heard a complaint on the subject—reported the services of the army, or of the individuals composing it, to the attention of the Sovereign. I have frequently received the order of the Sovereign to recommend officers of distinction for reward and promotion; and not only have I received such directions from the Sovereign of this country, but in repeated instances from the Allies of the Sovereign of this country; and I have submitted the names of officers to those Sovereigns, I hope in a manner satisfactory to those

who were selected. The Sovereign of this country has been pleased to give his approbation and consent to the acceptance by those officers of the honours to which I have recommended them. But in no case whatever would I ever have interfered until I was called upon to give my judgment or recommendation and opinion on the subject. It is perfectly true, as the noble Duke on the cross benches (the Duke of Richmond) has stated, that marks of honour of a particular description have been conferred upon other armies, which have not been conferred on the armies serving in the Peninsula, however meritorious their services may have been. But, my Lords, have no marks of honour been conferred upon the armies of the Peninsula? Have no rewards been bestowed on those officers? What my noble Friend has stated is perfectly true, that the service in the Peninsula was not an expedition, but a war carried on for several years—for six consecutive campaigns, and some winter campaigns. Nearly the whole of the British army served in that war. Out of one hundred and odd battalions, of which the British military force consisted, there were about sixty which served in that army. My Lords, this and the other House of Parliament returned to that army their Thanks not less than sixteen different times, for as many different engagements; and new modes were discovered and adopted of distinguishing and rewarding the officers of that army. Medals were struck in commemoration of actions of gallantry and distinguished actions in the Peninsula upon no less than nineteen occasions; and these medals were distributed upon the rules and regulations laid down on the occasion to about 1,300 officers of the army. And will it be said that 1,300 officers is not a considerable number in any army to receive such marks of distinction, and this on nineteen different occasions? Then a new mode of promotion was adopted, for the first time, in the Peninsular army—I mean the issue of special brevets for extraordinary services; and a vast number of officers were promoted by these special brevets in this very army, whose services are now said to be unacknowledged. Subsequent to the war, upon various occasions, arrangements were made for the benefit of the whole army, cavalry, infantry, and artillery, recommended, not by me, nor have I the credit of them, but by the Duke of York, who commanded the army in chief up to the period of his death in 1826, and also by Lord Hill, who succeeded in command up to the year 1828. First of all, various allowances were made to all the different officers. In 1826, the officers holding brevet rank on full pay had the advantage of retiring upon the advanced half pay of the next rank above. Lieutenants serving on full pay whose commissions were dated prior to 1811, had the option of retiring upon the unattached rank of captain on half pay. By an Order in 1834, in every three vacancies upon the retired full and half pay, one promotion was granted in the ranks of captain, major, and lieutenant-colonel—all these arrangements being in favour of these officers. In 1835 a further arrangement was made in favour of captains promoted under the General Order of December 1826; and 20 lieutenant-colonels, 20 majors, and 115 captains received full pay instead of retired half pay. These were solid boons conferred upon those individuals by the public. Then I would beg your Lordships to remember that among your Lordships there are not less than seven officers who have been promoted to the peerage on account of their own services, or those of their fathers or grandfathers, in this very army. Not less than 400 of the different classes of the Order of the Bath were conferred on the officers who served in the Peninsular army. My Lords, it is perfectly true that the late Sovereign was pleased to confer a medal on the army that fought at the battle of Waterloo—upon every individual who was present on that occasion. This was an honour which had never before been conferred on any body of troops, and certainly not on the army that served in the Peninsula, although they had fought several great battles, and most undoubtedly their service was of a most important description during the six years that they were in the Peninsula. But, my Lords, I beg you to recollect that the battle of Waterloo was an occurrence of an extraordinary nature. A general peace had been made, after a war of a quarter of a century, in the year 1814. Circumstances occurred which rendered imminent the probability that the war would be recommenced, and great preparations were made on all sides. The greatest anxiety was felt, not only in this country, but throughout Europe, upon the breaking out of that war. That battle was fought, and its decision certainly gave,

at the moment, every reason to believe that there was an end to all the operations of the war; and not a shot has been fired in Europe from that time to this, upon any occasion referable to the operations of that war. It was natural that the Government of this country should be desirous of testifying their approbation of the conduct of the army on that occasion; and it is true that the late Sovereign and his Government did order that medals should be struck to commemorate that great battle, which should be distributed to every officer and soldier, and should be worn under His Majesty's directions. My Lords, until lately this distinction was confined exclusively to that one affair, and was not conferred on any other army. Until events occurred recently in the East, this honour was not extended to any other army. I am not at all desirous of adverting particularly to the events which, a short time ago, happened in that quarter of the globe; but undoubtedly it is an historical fact that the greatest disaster which has happened in that part of the world for more than sixty years, occurred a few years ago in the north-eastern part of India. It was of the utmost importance to our tenure of the possessions which we had acquired—nay, to the very existence of the British name—in India, as well as to the maintenance of the spirit of the army, that their reputation should be revived by success; and my noble Friend, the noble Earl who was Governor General of India, and under whose auspices the operations were carried on in all directions, which restored to the army the credit, reputation, and honour in which it was always held up to that moment, and which tended so much to the advantage and honour of the country—the noble Earl thought it proper to follow the example of the case of the battle of Waterloo, and ordered medals to be struck, and distributed to every individual of the army that fought in the north-east of India. The noble Lord judged most correctly that it was important to give some mark of the approbation of the Government at the conduct of the army; to take a step promptly to make the men sensible of the estimation in which their conduct was held; and that it should do so promptly, to revive the spirit which had existed before, and that confidence in their own exertions which was so important to re-establish discipline, subordination, and good order. The noble Lord had the power of carrying into execution this measure within the territories under his own government; but it required the assent of Her Majesty in order that those who received this mark of honour from the noble Lord the Governor General of India should be enabled to wear this decoration in this country; and Her Majesty was pleased to express her approbation of the measure which had been adopted by the noble Earl. This is the history of this medal. There is no doubt that the army retrieved the misfortune which had previously occurred, and the good conduct of the troops regained the character of the army, and restored confidence to the public, and peace to India. There was afterwards another instance with regard to such medals, with respect to which, I think, from what I shall state, it will be exceedingly clear that they were given on such distinct and exclusive grounds that they will form an exception to the general rule, and I think that I shall, in a few words, show your Lordships a full justification for the distinction that was made—I mean the medals given in the case of China. I have before had occasion to draw your Lordships' attention to the extraordinary operations performed in that war. My Lords, we had fleets and armies there carrying on joint operations on a hostile coast, carrying on operations against fortified harbours and rivers, against fortresses and fortified coasts, and manœuvring against the enemy exactly as if they had been a body of troops with their cannon in the field, and carrying everything before them. My Lords, you must all recollect the anxiety with which those of us who knew anything of the nature of warlike operations, regarded the risks and dangers of that war in China. My Lords, the British troops overcame all their difficulties; and I must add that there was this peculiar circumstance attending these operations, namely, that they were carried on by the native troops, who, as was known to all Governors of India, had notorious prejudices against embarkation, and whom it was difficult to prevail on to embark. They did, however, give their services in aid of Her Majesty's troops, enduring all the hardships, and not being backward in their services, or in their efforts to get the better of the enemy. My Lords, after an extraordinary short period of time, the operations of that war were eminently successful; they were successful at every point; and they terminated in a peace

satisfactory to all parties, and which I hope, will be the permanent bond of peace between this country and that great empire. Her Majesty's Government thought proper to reward the services rendered by the army and the fleet concerned in those great operations, and ordered that medals should be struck, to be given to each individual who had been concerned in carrying on those operations; and this, I say, is another singular case, which forms an exception to all general rule, and which cannot be quoted as a precedent for any other case. My Lords, I have already stated to your Lordships, that the army which served in the Peninsula is by no means an army that was not favoured; I have stated that it has been highly distinguished and rewarded; and hose services are considered on every occasion in which it is possible to regard them, with a view to promotion. But I would beg your Lordships to recollect that this is not the only successful army which has served this country; your Lordships must not forget the army of Egypt, you must not forget the army that fought in Calabria. And when you recollect these services, I would beg your Lordships also not to forget the fleets. Did anybody ever hear of a general medal for a fleet? And yet there have been great naval victories acquired, such as the battle of the 1st of June, the battle of Cape St. Vincent, and the battle of the Nile. Did anybody ever hear of a general medal worn by everybody for those services? Surely, if the Peninsular army is to have a grant of this description, and an address is presented by your Lordships for that object, it is impossible that your Lordships should not notice these other occasions. Then there is another circumstance which I beg you to recollect in favour of the navy: I mean those long winter campaigns, if I may so venture to call them, in the blockade of the coast of France, and in the Bay of Biscay. Month after month, week after week, and night after night, that blockade was persevered in through the skill of the officers and seamen in the ships of war of the Sovereign of this country. Are these services not to be rewarded equally with continued campaigns on shore for six years in winter and summer? Certainly they must be. If you take the step now proposed, you must take others; and it would be impossible that you should not carry the measure to the full extent of giving a general brevet, in fact, to everybody who ever served during the whole war, as well of the French Revolution as in the Peninsula.

The Marquess of *Londonderry*, after the speech of the noble Duke, in which he fully concurred, thought it superfluous to add anything; but he must say a few words on the one point mentioned by the noble Duke on the cross benches, when he alluded to the services of those distinguished officers in the Peninsula who were not so fortunate as to obtain decorative honours. He would not yield to the noble Duke in his high value of those officers engaged in those services; but he regretted that the noble Duke had come forward to present this petition, and that the language of British officers should be such as to seek a decoration or a reward by a petition to Parliament; it was unworthy of British officers to demand any decorations or rewards for any services they might be called upon to perform. The right of giving rewards was vested exclusively in the Sovereign, and it could not be exercised with impartiality if the subject could be referred to that or the other House of Parliament. The noble Duke might have taken warning by what had taken place in the other House of Parliament, when Colonel Hay presented a similar petition. That Gentleman was answered by the then Secretary at War, who was now Governor General of India; and so incapable was the case of counter argument, that the petition was rejected unanimously, and, he believed, without a division. And they had the other day the opinion of another individual, who had also filled the office of Secretary at War, and he was a civilian, who deprecated the interference of Parliament with the rewards conferred. What did these petitioners say? They set out by saying that the language of supplication would ill become British soldiers, and yet they proceeded to ask a boon which they said they would have received voluntarily from the justice of the country; and they concluded by calling upon their Lordships to interfere in their behalf. Besides this, the lapse of time had been so great that he defied the noble Duke to point out any mode by which the just claims of these officers could be established; the only thing that could be done would be by giving a general measure, and his noble Friend the noble Duke had given substantial reasons why this should not be done, and why, instead of an honourable distinc-

tion, it would, owing to the misapplication, be entirely valueless. A soldier could look upon a decoration as valuable only when it came from the direct recommendation of the commander under whom he served, or by the order of the Sovereign of his country. It was said, that the officers serving in India and in China had received medals, and therefore, that the Peninsular officers ought to have them; but supposing the officers in India and China had not been decorated, did they suppose that the Indian and Chinese army would have come to their Lordships' House, and have asked for a boon, like those officers who had petitioned for this boon for their services? He was surprised that the noble Duke should have been the person to countenance a petition which was totally unworthy of British officers, because the supplication for compensation and reward was the last thing which they should make to that or the other House of Parliament. That House had not the power to grant the prayer, and it would be unconstitutional if it did; and he was certain that afterwards, when sitting by their own firesides, these very officers would think a medal so obtained totally without value.

The Duke of *Richmond* replied. The noble Marquess had taken upon himself to give him a lecture because he had thought it his duty to present a petition which he thought respectfully and properly worded, and the noble Marquess had wondered that he had not taken warning by what had occurred in the other House. Now, he was not in the habit of giving up his opinions in consequence of anything that took place in the other House; and he conceived that he was doing his duty to those who had fought and bled in their country's cause, and who, as he thought, had been neglected by their country. The noble Marquess said it was unconstitutional, forsooth, that this House should give rewards to the army and navy. Did he not think that it was a reward for the army and navy to receive the thanks of of Parliament? The army and navy had ever been proud to receive the Thanks of either House of Parliament, and there was no reason why such a petition as he had received should not be presented to their Lordships. All that these undecorated officers asked was some memorial to show that they were the individuals to whom for these sixteen actions the House had given its thanks. The noble Marquess defied him to show any mode by which these rights should be ascertained; but the roll-call of every regiment that served in the Peninsula was preserved in the Secretary's Office. What he complained of was, that the general officers, the commanding officers, and those on the staff who had not brevet rank, did receive rewards; and he asked, why the captains, the lieutenants, the subalterns, the non-commissioned officers, and the soldiers, were not allowed to wear some mark of distinction, to show that they had served? And the noble Marquess asked whether the officers of the army lowered themselves by coming here and asking for a boon? He (the Duke of Richmond) thought not at all. It was very well for those who were covered with decorations to say, "Don't give medals to captains and subaltern officers, and non-commissioned officers and privates." He should like to know whether, without these officers and men, they would have got their honours themselves. With regard to the Waterloo honours, it was very well known that one corps which received them did not know of the action till some days after it was fought. Yet the officers who had gone through all the hard service of the Peninsular war, were allowed no testimonial. All must admit, that it was a laudable ambition in these officers to be able to transmit to their posterity some memorial of their own merits—of their country's gratitude. He was sure that not one of the petitioners would object to similar rewards being conferred on the troops who had served bravely in Egypt or elsewhere. They were willing to share the honour with all who deserved it; but they had a right to expect (at least he thought so) that they should have something to show that they had gone through the campaign in the Peninsula, and had done their duty. Peninsular officers, who had gone to reside with their families upon the Continent, if they went to a review, going themselves without decorations, found officers there with decorations who had never been in action. His noble Friend (the Duke of Wellington) said he approved of medals being given in India, because it was necessary to revive the spirit of the troops, which had had the shadow of a shade cast upon their reputation. He (the Duke of Richmond) did not think it was very expedient to tell the army, "Only suffer a disaster; then rally and distinguish yourselves again, and

you will receive decorations to revive your spirits." His case was this—that when the thanks of Parliament were given to the army, the commissioned and non-commissioned officers and private soldiers should have some record that they had been in the engagement and done their duty there.

Petition read, and ordered to lie on the Table.

COLLEGES (IRELAND) BILL.] Order of the Day for the Second Reading read.

Lord *Stanley* said: In moving your Lordships to agree to the second reading of the Bill to enable Her Majesty to endow certain Colleges in Ireland, it is hardly necessary to remind your Lordships of the gracious speech delivered by Her Majesty from the Throne, in which She recommended to Parliament to provide for the improvement and extension of academical education in Ireland. In obedience to that recommendation, Her Majesty's Government submitted to Parliament a Bill for that object, which has undergone very minute and lengthened consideration in the other House of Parliament, and it passed all its stages there, though not with unanimity, undoubtedly with very large majorities. My Lords, I should only waste time if I were to go into any argument to prove the advantage of extending to all classes in Ireland the benefits of the best education, and of the duty of Government to advance the public interest by lending its aid to promote such education throughout the realm. But in the expenditure which has been made by Parliament and the country for the purposes of education, and amidst the commendable anxiety which has been generally evinced of late on the subject, I cannot but think that there has been one great omission. Whilst liberal provision has been made for the education of the higher orders, and while the Legislature has shown its wisdom and liberality in encouraging the education of the lower orders, while these two extremes have absorbed attention, the middle classes have been neglected in the great scheme of mental improvement; whereas, if there is one class which, more than any other, should obtain the advantage of a liberal and sound education, it is the middle class—and by "middle class," I mean the class below the highest and above the lowest; and this is the class which your Lordships are now called on to legislate for. Your Lordships cannot fail to recollect, that from the circumstances of the country, many (I will not say most) of the large landed proprietors of Ireland, men therefore of the most powerful and beneficial influence, do not exercise the influence they have upon the society of Ireland, being habitually residents in other countries. I say not this in condemnation of those individuals; it is one of the unfortunate consequences of the peculiar situation in which Ireland is placed. But the effect is to give a much larger influence over society to the class immediately below the highest—the inferior gentry and tradesmen, than is properly their due. Your Lordships will also bear in mind that by the extraordinary munificence of Parliament the lower orders are at this moment to a great extent in the receipt of a liberal and extensive education; I hope it will become a religious and moral education, but it is certainly an intellectual education; and, in this state of things, whilst the lowest classes are having their intellects sharpened, their powers cultivated, and their minds refined, it is most material the class immediately above them should have provision made for their improvement, since the provision for the education of that class is more deficient in Ireland than elsewhere. How stands the case? Ireland does not stand on the same footing in respect to education with any other part of the Empire. In this country, besides our ancient Universities, many of the great towns, by their own exertions, had established collegiate institutions. What is the case in Ireland? With the exception of the Institution at Belfast, you have one College, and only one, the single establishment of Trinity College, Dublin. Now, Trinity College, Dublin, is open not only to the highest classes of the community, but also to those who do not belong to that class; and the system of education in Trinity College is, in respect to religious distinctions, of a very liberal character; I believe there about 100 Roman Catholics receiving education within its walls. Not only Roman Catholics, but Dissenters from the Established Church, are admitted into Trinity College, Dublin, and receive the benefits of education there; they may compete, too, for honours; but when you come to the emoluments, the Roman Ca-

tholics and Dissenters, though admitted to the benefits of education, are excluded from the emoluments. Is this the course that should be pursued? I have heard the petition which has been presented to-night by the noble Earl near me (the Earl of Eldon), not from the University of Oxford, but from certain Members of that University; and if we were legislating for a country in which there were no religious differences; if we were all members of the same church, followers of the same creed, and acknowledged the same spiritual head, I can readily conceive the advantage of making science in all cases the handmaid of religion, and binding both together in indissoluble bonds. But is it so in Ireland? Recollect that we have to deal practically with the case of Ireland; a case where the established religion is the religion of a small minority; with the case of a country which is separated into various religious creeds, and subdivisions of those creeds. Then what are you to do? Are you, for the purpose of extending the advantages of academical education in Ireland, to cling to the system of Oxford and Cambridge, to require that tests shall be taken, if not by the students, at least by all the professors? Are you, in establishing academical education for a people mainly Roman Catholic, to insist that all the institutions shall be built upon the basis of the Church of England? And if not, what will you do? Will you, if I may coin a word, unprotestantize Trinity College, Dublin? Will you open the emoluments and the endowments—will you deal with the revenues and the statutes of that College, and throw it open with, if you please, increased endowments to all classes of the population, without religious distinction? Her Majesty's Government do not think it would be expedient, wise, or just, to take such a course. They consider that Trinity College is, and always has been, a Protestant establishment endowed for Protestant purposes, supported by Protestant funds, and intended as a nursery for the formation of clerical members of the Protestant Church as established in Ireland. And here I must be permitted to do justice to a Gentleman from whom I widely differ on some points, in admitting the liberality of a sentiment which he expressed in giving his evidence before your Lordships in 1825. Mr. O'Connell, to whom I refer, deprecated on that occasion, as an act of injustice, the diversion of any portion of the revenues of Trinity College, for the purpose of conferring scholarships or advantages of that description on persons not professing the religion of the State. I think, my Lords, that such an interference with Trinity College would unnecessarily and dangerously excite the Protestant feeling of the country, raise against you Protestant prejudices, and create Protestant animosity, without at at the same time tending to the harmony or advantage of the institution itself. What then? Will you establish in Dublin itself three or four rival colleges, each dedicated to the support and maintenance of a particular creed, with professors belonging to that creed, endowed by the State? I think that such a proposition would not be likely even if the Protestant population of this country were willing to concede it, to tend to the harmony of the city of Dublin. I think that the inevitable consequence of having three or four such rival institutions within the precincts of the metropolis would be, that their rivalry would lead to controversial disputes and discussions, which, in a short period, would generate bitter hostility. You have now to deal with a case in which it is necessary to provide for the moral education of a large portion of people who differ from you in their religious creed. I think it would be most unfortunate that you should deprive Trinity College, Dublin, itself, of the advantages of educating within its walls a considerable number of Roman Catholics. I think it is a matter of infinite importance that you should not discourage—I would say that you should rather endeavour, by all the means in your power, to encourage the combined instruction, as far as it can be combined, of the young men of Ireland of different religious persuasions. I am satisfied that the fact of being educated in the same College, of being brought up under the same teachers, of being competitors for the same honours, of being admitted impartially to those honours, of mixing together in familiar society at a period of life when the affections are warm, and the heart open and ready to receive impressions, not only of a lively, but permanent nature—I am satisfied that such a course tends more than any other that could be devised to soften those asperities which may arise in after life, and lead both parties to judge more calmly, and make greater allowances for their different religious feelings, how-

ever great and fundamental may be the points upon which those differences rest. Would that object be likely to be effected by different Colleges being established in the city of Dublin? I think, my Lords, it is quite clear that the infallible consequence of establishing within the limits of the city of Dublin a Protestant College, a Presbyterian College, a Roman Catholic College, and a Unitarian College, would be that Roman Catholic parents would send their children to the Roman Catholic College, Presbyterians theirs to the Presbyterian College, members of the Church of England theirs to the Protestant College, and the Unitarians theirs to the Unitarian College, thus breaking up that union which now subsists, and most advantageously subsists, within the walls of Trinity College, and reducing the College itself to a merely exclusive institution. Thanks to the abolition of the penal laws, the Roman Catholics of the country are rapidly rising in station and amount of property. There may be those who regret to see their Roman Catholic fellow countrymen thus rapidly ascending in the scale of society; but for my part, my Lords, I cordially rejoice at it. But, at all events, rejoice at or regret it as we may, it is a fact, my Lords, with which you must deal; and if you are to educate the middle classes of the people, you must necessarily educate the Roman Catholics of Ireland. What, then, will you do? I reject the alternative of opening Trinity College, and doing away with the existing application of its revenues and its existing distinctions; I deprecate the establishing of rival Colleges in the Irish metropolis; and I have, therefore, only to entreat your Lordships favourably to consider the only other alternative—at least the only one that presents itself to my mind—namely, the establishment of different Colleges in different provinces in Ireland—Colleges that shall be placed in such a position that while they disclaim and disavow, and steadily repudiate all sectarian principles, all proselytism, and all religious sects, yet shall be able to teach somewhat of the prevailing opinion and creed of the people in the district in which they were established. You may ask, why not establish a Presbyterian College in Belfast, an exclusively Roman Catholic institution in Cork, Limerick, and Galway, and an exclusively Protestant one in Dublin? My answer is, that I set too much value upon the advantages to be derived from a united education to assent to any such proposition. I think, that as you have given your sanction to an exclusive system in Trinity College, Dublin, for the purpose of supplying clergymen of the Established Church, and as you have connected theological professors of the Presbyterian creed with the Presbyterian institution at Belfast, so do I think that you have wisely and liberally agreed to contribute to the education of the Roman Catholic priesthood, by endowing the College of Maynooth. All these, however, are theological endowments: when dealing with the laity of these three persuasions, I do entreat of your Lordships to throw, if possible, one drop of sweetness into that amount of bitterness which too unhappily prevails throughout Ireland, and permit the youth of that country to be educated in common, and under the same teachers, in all those branches of learning which do not, and cannot, affect their religious opinions. The plan which Her Majesty's Government are anxious to lay before your Lordships, and which has already obtained the sanction of the House of Commons, goes to establish in the four provinces of Ireland academical collegiate institutions, of which the basis and fundamental principle shall be this—that there shall be no religious test required; that no theological examination shall be deemed necessary as a part of the College discipline; and that there shall be no attempt whatever to interfere by the College authorities with the religious opinions of the students. But, my Lords, I repudiate altogether that stigma, for so I consider it, which is sought to be fixed upon this scheme, by designating it, as it has been designated in another place, as a "gigantic scheme of godless education." That designation, if justly applicable to the plan now propounded by Her Majesty's Government, applies with equal, if not greater force, to the University of London, in which the absence of tests, of theological examinations, and of divinity lectures, is a fundamental rule of the institution itself. The Scotch are anything but an irreligious people, and yet I believe it is a principle of all Scotch Universities without exception, that with regard to the pupils, there shall be no religious tests, no compulsory attendance upon public worship or upon divinity lectures, and no theological examination. These are not merely not compelled to be

observed, but they formed no part of the course of study adopted by the Colleges. And yet I have never heard of those Universities designated as being based upon a system of "godless education." The success of this Bill rests, I admit, entirely on the same principle; for unless your Lordships are prepared to sanction that principle—the principle of entire religious equality and the exclusion of religious endowment by the State—I must call upon you to reject the Bill, as otherwise tending to evil rather than to good. But if your Lordships do not mean to adopt that principle, what will you do? Do you mean to endow one theological professor and one only, and is he to be of the Established Church? Do you mean, that in Dublin, Cork, Limerick, Galway, and Belfast, there shall be endowed by she State one theological professor of the Established Chnrch, and that all the other donominations are to depend upon their own efforts and resources? Do you mean to apply that principle to those three out of the four Colleges, the great bulk of the students of which are sure to be Dissenters from the doctrine of the Established Church? If not, do you mean to have four professors to suit the different denominations of Protestant, Presbyterian, Unitarian, and Roman Catholic, and by the authority of the same State, and the same Government, to endow those four persons for the purpose of teaching to the young men of the several Colleges the various and conflicting doctrines of their respective creeds? When the education scheme was first broached, in 1831, one of the conditions first insisted upon was, that all persons should, under the authority of the Board, be compelled to attend the service of their respective churches every Sunday; but it was subsequently struck out, because members of the Church of England and of the Presbyterian body said that, in their judgment, it would be a sin to which they could not be a party to compel attendance upon a Roman Catholic place of worship. Then I ask you, my Lords, are the same class of persons now to turn round upon us and recommend, objecting to our Bill for not containing it, that in these Colleges you shall endow a Roman Catholic professor for the purpose of teaching exclusively the tenets of that religion? I ask, you would such a course—the appointment of four theological professors—lessen or do away with the danger of proselytism, or the inconvenience of theological controversy. or tend to the harmony and good feeling of persons of different religious persuasions? And, if you are to endow those professors, have you considered who is to appoint them? I speak with all respect of the memorial of the Roman Catholic prelates of Ireland; and I agree with the noble Lord in thinking, that, as a Government, we are bound to consider not only the authority of, but also the weight of argument in that memorial, and to meet the objections it urges where we deem them reasonable. But I do not think we are bound to yield to such an objection as this—that the faith of the Roman Catholic student is in imminent danger, if he be called upon to attend lectures upon anatomy, by any but Roman Catholic professors. I think it is essential that the Crown should have the power, in the first instance, of appointing the president, vice-president, and professors. I do not see the slightest danger that the Crown will abstain from appointing in Cork and Belfast those who are best qualified to discharge the duties of their respective professorships, because they happened to belong to the creed of the great majority. I see no danger in leaving to the Crown the appointment of the civil professors; but I do see danger in leaving to them the appointment of theological professors. While, however, I say this—while I say that it would be highly injudicious to establish a religious distinction within the walls of these institutions, or endow religious professors, or insist upon theological examinations, I freely admit it to be our bounden duty to give every possible facility for the inculcating of religious knowledge. We adopt the professorial, as contradistinguished from the tutorial system. To that system I have heard it objected that the young men are exposed to all the temptations incident to Colleges in the midst of large and profligate towns; that they are taken from under the eye of their parents, and they withdraw themselves from the influence of the professors. Now, as tending to morality, I think it is not wise to bring up young men in a sort of monastic institution from the age of sixteen to twenty, in strict seclusion, if such could be maintained within the walls of a College, and then throw them loose upon the temptations of the world. Oxford and Cambridge, Edinburgh and Glasgow, London, Bel-

fast and Dublin, are all profligate towns. But, according to my recollection, I do not think there was such absolute security to the morals of the students under the system of collegiate seclusion adopted at Oxford as should make it a model which we ought to follow in preference to the system adopted at Edinburgh and Glasgow. If placed within reach of a great town—and the convenience of having a College so placed is very great—I cannot see, whether the pupils live within the walls of the College, or in houses in the town, that any more control can be exercised over them in one case than the other. In Ireland the advantage of placing the Colleges in large towns is still greater than in this country; for a very large portion of those who will send their children to them will be actual residents within those towns; so that in those cases they can secure for their children the benefits of an academical education, and at the same time those of parental superintendence and protection. Then we propose by this Bill that no young men shall be permitted to be members of those institutions unless they are living within their parents' houses, or in houses licensed for that purpose by the governing body. who have the power of withdrawing those licenses if a proper control be not exercised; and recollect, that none except the Principal is to reside within the College; what is, then, more certain than that the professors, taking houses in the town in which they are to deliver lectures, will themselves open boarding-houses for the pupils who come from a distant part of the country, and who will thus be placed under the immediate superintendence of a professor, Protestant or Roman Catholic, according to the feelings or wishes of the parent, and have secured to him at the same time the advantages of a domestic supervision? But we go further; for if parents should prefer the tutorial system, we will give every facility for the establishment of halls, the rules and regulations of which may be laid down by the party endowing them, provided they do not violate the religious faith of others, and subject to the veto of the governing body. I have thus briefly stated the principle of the measure. I will not enter into the details. I entreat your Lordships, in dealing with a country in which the education of the middle classes is most strongly felt, and in which you cannot deal with a class belonging only to one religion, that you will take the only course by which you can fairly confer upon them the advantages of a liberal and academical education. I am convinced that if you reject this measure, it will be attended with the most serious consequences; on the other hand it is impossible to overrate the good which may be derived to generations yet unborn, from introducing into Ireland, by the unanimous consent of Queen, Lords, and Commons, and a liberal endowment from the national fund, an establishment for the diffusion of an enlightened system of education, under professors qualified to give instruction to the rising generation throughout all Ireland, by which a literary, scientific, and moral education may be conveyed to all the middle classes, and which cannot fail in the result to confer the unquestionable benefit of religious instruction also upon the people.

The Earl of *Shrewsbury*: My Lords, willing as I am to give the Government every credit for the best possible intentions in this measure, still I cannot but lament that it has not been presented to us in a form more suitable to the wants and wishes of those for whose benefit chiefly it is proposed; nor have I heard anything from the noble Lord who introduced it, to induce me to alter that opinion.

My Lords, this measure has been declared to be "dangerous to the faith and morals of the people," by the unanimous voice of the Catholic hierarchy of Ireland, because the requirements of religion are not incorporated with the scheme. Nor will I believe there is one noble Lord in this House who does not feel that education without religion is a moral evil; and that even the so-called superstitions of Rome, are a fair substitute for infidelity. That admitted, how comes it that you are about to establish for a very large and intelligent portion of the community over which you rule, a system of public instruction, which has been so truly and emphatically described; and which, notwithstanding the few modifications since introduced into it, is still, (as I think, at least) to be so truly described as "a gigantic scheme of godless education"? My Lords, is not the reason to be found in this—that you are fearful of another conflict with the fanatical prejudices of the country? For is not this an analogous case to the

payment of the Catholic clergy? on which the noble President of the Council not long since thus expressed himself:—

"That as to himself, he had long since expressed his opinion on that point. He had, when in the Commons, voted for the measure proposed by Lord Francis Egerton. But he would fairly state, that, until he could see that the people of England would be favourable to such a measure, he did not think it would be prudent in any Government to propose it. He did look forward with hope to a time when a change would take place; but there were now so many difficulties in the way, that he did not know how any one could conceive that the Government had any intention of proposing such a measure. It would be for the Government to watch the feelings of the country on the subject; and in the mean time they proposed this measure (the Maynooth Bill), as one which was important in itself, and as an earnest to the people of Ireland, that it was their wish to do all that lay in their power to conciliate them."

Now, my Lords, I will not stop here to inquire how far this avowal may be consistent with the principles of the Constitution under which we live: whether it be not merging both your Lordships' privileges, and the rights of the Lower House, in a power which the Constitution only recognises as represented, not representing. But, considering this present measure as analogous to that to which these observations of the noble Lord refer, the enigma is at once solved; nor can I see any other solution of it. Yes, my Lords, though you have been victorious once, and would undoubtedly be victorious again, yet, by some strange fatality, do you dread another conflict with the fanaticism which assailed you under the Maynooth Bill.

My Lords, the people of Ireland ask you, why it is that they who are Christians are to be educated like heathens without the knowledge of God? and you answer them—because you are the vassals of Protestant England, which deems your creed superstitious, and your worship idolatrous. My Lords, is this a wise or a safe answer to give to the cry for Repeal? And are these the people whom you are so studious to conciliate? You did not argue thus under the Maynooth Bill; or rather, you crushed that argument under the weight of your authority. Why listen to it now? Had you listened to it then, you knew that you had lost for ever the whole moral force of every effort you might make against Repeal; for that was a measure founded upon the strongest claims of right, justice, and expediency—supported by the strongest Government which the country has seen for years—carried eventually by large majorities in both Houses of Parliament, in spite of an opposition, though numerically small, yet bold and uncompromising—but a measure which, had you yielded to the influence which now appears to arrest you, had been thrust aside by the wild clamour of a mere section—as I am sure it is—of the people of England and of Scotland; a section, however, which you are now elevating to the highest pinnacle of power, by openly avowing yourselves subservient to it! My Lords, I do think that the inference is just; for between the principle of the two measures there is no difference, nor yet between them and the payment of the Catholic clergy; but for which latter (whether it might be for good or for evil, religiously speaking, is another question, and not now to the purpose)—but for which, presuming it to be politically advantageous, as it is asserted to be, we are now to wait for the good pleasure of the fanatical party in England—we must watch the feelings of the country on the subject. My Lords, had such been your policy only a few weeks since, you never after could have told the people of Ireland that they were represented in the Parliament of England; yet, such is your policy now, admitting as you must—and no man doubts or denies it—that religion ought to form the basis, the strength, and the handmaid of every wise system of education.

It is a mere mockery, my Lords, (at least so it appears to me,) to tell the Catholics of Ireland that they may provide this for themselves; for, divested as they have been of the whole of their own ecclesiastical property—taxed for the support of two Churches—continually exhausted by their own heroic efforts, as I may justly call them, to supply their own miserable deficiencies in suitable places of religious worship, by the erection, in many instances, of splendid structures in the true, old, ecclesiastical style; and in which, to the credit of their Protestant landlords be it said, they are often generously assisted by them—thus circumstanced, it is not possible to suppose that they either can or will provide those very large resources necessary to carry out the task you have imposed upon them. Why, my

Lords, before they are in a condition to do this—if ever your measure come into operation, which I very much doubt—one generation after another must have grown up under the miserably defective system which you now offer them, till perhaps, till probably, there are none who care any thing about the matter. While, on the other hand, every requisite will be speedily growing up around the small Protestant minority, under their own superior wealth, and the fostering influence of the most richly-endowed Church in the world.

You have provided a sufficiently religious education for early youth: is it the less requisite for early manhood? when the passions are contending for the mastery; when impressions for good and evil are the more deep and permanent; when the reason is developing its powers, and demanding a clear and definite foundation for what it had hitherto been content to receive on trust, on the mere dictum of authority?—a period in which faith may readily yield to scepticism, when backed by the influence of the passions, and perhaps by the known indifferentism of the Government professors.

Again, my Lords, will not this scheme of yours vividly contrast in the minds of those for whom it is, or ought to be, principally intended, the great Catholic majority—will it not vividly contrast in their minds, not only with the state of their more fortunate Protestant fellow countrymen, but also with what they fancy at least would be their own condition under a domestic Legislature? Will they not picture to themselves the college, the common hall, the refectory, the cloister, the chapel, (the library they are to have,) the strict Catholic collegiate discipline, every requisite for a good moral education, every thing that in former times they enjoyed in so superlative a degree, every thing, in fine, that they know to exist in Protestant England—but from which they are debarred because their lot is cast in Catholic Ireland? My Lords, till you make up your minds to govern Ireland as a Catholic country, as in fact it is, so long will she be your difficulty, and you never will succeed in what I believe the Government sincerely to desire, to conciliate her people, and make them your strength instead of your weakness.

My Lords, it has been said that this measure has been devised to Protestantize Ireland. My Lords, I do not believe it: however this result may be contemplated by some, I do not believe it to have entered into the scope of the original framers of the Bill. It would be a device altogether unworthy of any honest man, still less creditable to an Administration which professes to be guided, and I am willing to believe it is, by high and liberal principles in the government of the country. To what, then, are we to ascribe it, but to that same apprehension so candidly avowed by the noble President of the Council, in reference to another, though in my mind, a perfectly similar question—we must watch the feelings of the country on the subject. But is it not the duty of the Government rather to create and guide, than to follow, and be subservient to the feelings of the country? And in reference to this present measure, as applicable to this present case, what are those feelings, and what proportion do they bear to the sterling sense and virtue of the country? Why, my Lords, these are the very feelings that, but just now, you so wisely disregarded and so signally defeated. And is it in the flush of victory that you hold this language—that whatever Government may think of the beneficial character of a measure, however just in itself, however advantageous not only to Ireland, but to the whole Empire—till the people of England, that is, the clamorous, ignorant, uneducated sections of the people, who believe that all Catholics are Jesuits, and Jesuits the very children of Satan; who have been taught to cant upon the enormities of Rome, that Babylon of the earth, and mother of iniquity; upon the superstition and idolatry of her system, her sanguinary propensities against her enemies, her disloyalty to the State, her infidelity to man, and her treasons against God—matters upon which they know nothing, and, if possible, understand less—till this single section of the people be renewed in spirit and in truth, till they be remodelled and enlightened, and the veil of prejudice be removed from before their eyes—till then, the progress of good government in Ireland, which had so happily set in, is to be arrested? My Lords, if this be the case, new generations must arise, for the present, I fear, are irreclaimable, before that consummation so devoutly to be wished, but otherwise so impossible to be accomplished, can be effected, and the course of good government be again allowed to pro-

gress. My Lords, if this be an evil, as undoubtedly it is, instead of leaving it to cautious and distant observation, is it not our duty to grapple with it, and overcome it, as you have so lately done? But if, on the other hand, these feelings are to go unchecked and unrestrained, governing the very Government itself; if having conquered we are now to yield; if they are to become a recognised principle in the Commonwealth, exercising dominion over the most important destinies of the country; it behoves us at the very least to examine them more closely, to sift the means by which they have obtained so fatal an ascendancy, and to see whether it be not possible to counteract them by some other method.

My Lords, they who represent these feelings in Parliament, and they who constitute them out of doors, tell us, one and all, that they have their origin and their force in the doctrinal errors, and tainted morality—the superstition and idolatry of Rome. Let us begin with those without. But in dealing with this subject, do not fear that I shall detain you long, or weary you with an argument on every point; I shall select one only as a sample, and for that even I crave your indulgence, though I think I have a right to it—for remember, that we are continually accused of high crimes and misdemeanor before God and man, and if it were only to rescue ourselves from dishonour, putting all consideration of the well-being of the country out of the question, I do think that I have a right to demand your attention for a few moments.

My Lords, I will bring but one witness to the means by which these feelings are created and sustained throughout the country: it is a Sermon, and a pretty one it is, with this title, "Popery our Giant Foe: a Sermon preached in the Church of St. Matthew the Evangelist, Rugby, on Sunday evening, the 18th May, 1845, being the evening previous to the Third Reading of the Maynooth Endowment Bill, by the Rev. C. R. Alford, M.A., incumbent."

After a deal of fanatical trash, page 5, the rev. incumbent is pleased to say, (but I should first observe that the congregation were so delighted with it that they requested it might be printed for the benefit of the world at large, thinking it a pity that so much knowledge should be confined to themselves alone;) well, page 5, the rev. incumbent says—

"We have to contemplate the foe whom we are compelled to dread. That foe is Popery—a system of religious belief and practice which, in every age of its existence, has proved itself to be a master-piece of evil, exquisitely adapted to the unrenewed heart of man, and for the destruction of the soul.

"The system is idolatry in religion; inasmuch as it inculcates the payment of Divine honours to other beings than God;—angels, men, and women, the Virgin Mary in particular, are the objects of its adoration, &c.

"The system is treason in politics, inasmuch as it teaches that kings have no dominion over their subjects, if the Pope be pleased to declare the said kings deposed or excommunicate; and also, that the oath of allegiance to any sovereign not thus deposed, is not binding, if the cause and interests of Romanism can be served by breaking it, &c.

"The system is vice in morals, inasmuch as it teaches that it is not murder to kill men who oppose the system; that it is not perjury to break any oath or promise, if, when you made it, you did not intend to abide by it, &c.

"Once more, the system is absurdity in general, &c., &c.

"Such, brethren, is Popery; idolatrous, treasonable, vicious, and absurd, &c., however fostered by our rulers, and likely to obtain ascendancy in this country!"

Again, p. 10—

"In the second place, we distinctly charge the sin of gross idolatry upon the Church of Rome. . . . Through each of these (the saints) is the Divine Majesty to be approached, and prayers are to be addressed to them. To them, did I say?—nay, to their images and pictures! And this surely is idolatry, beneath its grossest form."

Now let us see his proofs for this last point:—

"The Creed of Pope Pius IV.," says he, "thus states this doctrine:—'I believe that the saints who reign with Christ are to be worshipped and prayed to.'—'I most firmly assert that the images of Christ, and of the Mother of God, who was always a Virgin, are to be had and retained; and that due honour and worship is to be given to them.' The Council of Trent declares, that 'it is lawful to represent God and the Holy Trinity by images,' in defiance of the Second Commandment, and that 'the images and relics of Christ and the saints are to be duly honoured, worshipped, and venerated; and that in this veneration and worship those are venerated who are represented by them."

Now, my Lords, will you believe it?—that this minister of justice, charity, and truth, while he vouches for the accuracy of

his statement—he may have taken it from another, but that is no excuse, for he vouches for its truth—will you believe it, that he has had the audacity to interpolate these three passages, each placed between inverted commas, to show them to be real and true quotations—he has had the audacity to interpolate every one of them with the word, and the only word upon which his whole argument turns, his whole accusation reposes—the word worship; without that, he knew that his accusation could not stand, for that the real doctrines of the Church were precisely the contrary to that which he represented them; but he was determined to carry his point, and he carried it by the most unblushing forgery!

My Lords, this is a sample, and only a sample, of the many blasphemous—as some of them are—and disgraceful falsehoods contained in this blind, strange effort of bigotry. I wish it were as solitary as it is strange, and yet has the rev. incumbent the effrontery to put his name to it, as a further guarantee for its truth!

Are you then surprised, my Lords, that a petition numerously signed should have come up from Rugby against Maynooth, or that with such appliances as these, your Table should have been loaded with them? To be sure, the rev. incumbent does say in the next paragraph, that—

"The later writers (that is, subsequent to the Council of Trent, meaning there were none such previously) of the Romish communion have endeavoured to meet the charge of idolatry, by making a distinction between the worship that is paid to God, and that which is offered to the saints. But this is a mere equivocation, and it is brought forward, not to caution the Romanist against idolatry, but merely to silence the Protestant opponent," &c.

Here, my Lords, are two fresh falsehoods, two new calumnies, in one short sentence, against his Catholic fellow countrymen! Now let us just see how these passages really stand. The passage cited from the Creed of Pius IV. stands thus in the original:—

"I constantly hold, that the saints reigning together with Christ are to be honoured and invocated, that they offer prayers to God for us, and that their relics are to be venerated. I most firmly assert, that the images of Christ, and of the Mother of God, ever a Virgin, and also of the other saints, are to be had and retained; and that due honour and veneration are to be given them."

Now for the Council of Trent. The Synod decrees—

"That images of Christ, of the blessed Virgin, and of other saints, are to be exposed and retained, particularly in churches, and that due honour and veneration are to be shown to them; not as believing that any divinity or virtue is in them, for which they should be honoured, or that any thing is to be asked of them or any trust placed in them, as the Gentiles once did in their idols, but because the honour given to pictures is referred to the prototypes, which they represent; so that through the images which we kiss, and before which we uncover our heads and kneel, we may learn to adore Christ, and venerate his saints."—Sess. xxv. De Invoc. S. S.

Now let us see how this doctrine is explained in the catechism drawn up by order of the Council. Amongst other things, in explaining the lawful use of images, the pastor is enjoined to—

"Inform the unlettered, and those who may be ignorant of the proper use of images, that they are intended to instruct in the history of the Old and New Testaments, and to revive the recollection of the events which they record; that thus excited to the contemplation of heavenly things, we may be the more ardently inflamed to adore and love God. He will, also, inform the faithful that the images of the saints are placed in churches, not only to be honoured, but that, also, admonished by their example, we may imitate their lives and emulate their virtues."—Pages 361, 2.

And again, in explaining the different manner of addressing prayers to the Almighty and to the saints, they say—

"In the performance of this duty, it is strictly incumbent on all not to transfer to creatures the right which belongs exclusively to God; and when, kneeling before the image of a saint, we repeat the Lord's Prayer, we are also to recollect, that we beg of the saint to pray with us, and to obtain for us those favours which we ask of God in the petitions of the Lord's Prayer; in fine, that he become our interpreter and intercessor with God. That this is an office which the saints discharge, we read in the Apocalypse of John the Apostle."—Page 467.

Now, my Lords, I will ask what warranty is there in all this for the accusation of the rev. incumbent? And I will also ask what warranty is there for the reiterated assertion of the noble Duke upon the cross benches (Newcastle), that Catholics are idolaters, because they put up images in their churches to worship

them—an assertion which was cheered when he made it, and which the noble Duke said he would persist in making, in presence of the Catholic Members of this House as well as in their absence, before their faces as behind their backs. But I must tell the noble Duke that as long as he persists in making it, so long must I persist in contradicting it; but I beg of your Lordships to observe the difference between us—that the noble Duke asserts without his proofs, I contradict with my authority by my side. And why will not that authority convince him, and those who think with him? It is as accessible to him as it is to me. Am I yet to tell him, before he will disbelieve it, am I yet to tell him that there are 150 millions of Christians now in existence ready to swear that his assertion is false? Am I yet to tell him that he may in vain ransack the whole history of the Christian Church for one single authority—for one single authority in favour of picture or image worship, from the first rude efforts of the pencil in the catacombs of Rome, to the matchless wonders of Michael Angelo and Raphael, in St. Peter's and the Vatican—from the day on which St. Augustine, the apostle of England, advanced in procession to King Ethelbert, as the envoy from Rome, with the cross, the emblem of redemption, carried before him, to that on which his venerated shrine was pillaged and made desolate by the rapacious hands of the Iconoclasts of the sixteenth century?—and, my Lords, I have ever fancied that the weight of gold and jewels which encased them, was far more precious in the sight of the profaners of these relics, than the principle for which they contended. Am I yet to tell the noble Duke, that also from that time to this, do I defy him to bring one single atom of evidence in support of his assertion, more worthy of credit than the interpolations of the rev. incumbent of the church of St. Matthew the Evangelist at Rugby? My Lords, I defy the noble Duke to show that the Church Catholic, from the first day of her existence to the present hour, occupying, as she ever has done, the most civilized portions of the globe; exposed to the gaze and scrutiny of all; the nurse and mistress of the arts and sciences, both sacred and profane; whether filling the world with her learning, and illustrating her doctrines by her virtues; or in less happy times, too many of her members disgracing their profession by their vices—still do I defy the noble Duke to show, that, under any change of circumstances or condition, did she ever once inculcate or connive at the heinous crime of idolatry, that is, the payment of divine honours—as idolatry is very justly defined by the rev. incumbent at Rugby—the payment of divine honours to any other than to the one, only true, and living God!

My Lords, in approaching the next portion of this question, I mean the declaration so long made by the Legislature against the so-called superstition and idolatry of Rome, and which, though abandoned as a test, save in one solitary instance, is still so prominently brought forward, I will at least promise not to detain you long. But that declaration having been very recently appealed to by noble Lords and right rev. Prelates, in a solemn protest on our Journals, not only as a warning to your Lordships, and for the purpose of influencing the policy of the country, but also as a proof of the truth of what it asserts, it seems necessary, besides what I have said already, to consider under what circumstances that declaration was first framed and accepted by the Legislature, and what right it has acquired thereby to exercise the control which, used as it is, I believe it does, over the feelings and delusions of the people.

Your Lordships are too well versed in the history of those times, for me to do more than just to remind you that that declaration was the immediate consequence of Oates's plot, commonly called the Popish Plot.

Here the noble Earl was interrupted by Lord *Brougham*, who declared that there must be limits to the debates in that House; the noble Earl was going into questions which had nothing whatever to do with the subject before the House—he was introducing a theological controversy for which there was no occasion.

The Earl of *Shrewsbury*: I am sure that theological questions have not been introduced by me: I am only on the defensive. I had always understood it to be conformable with the usage of the House to enter upon the state of the country, and the influences under which measures were passing through the House. A Minister of the Crown had told them that a particular measure had not been introduced in deference to the feelings of the country—a measure analogous to that now before

them—and he thought it necessary to discuss the nature and cause of those feelings. Would the noble and learned Lord promise not to introduce theological questions himself?—would he promise to desist from indulging in his invectives against the Catholic religion—against the religion of the Catholic Members of this House?

Lord *Brougham* would pledge himself on the present occasion to avoid going into what the noble Earl tempted him to go into, by his most gratuitous defence of the Catholic religion, and what had not been brought into question.

The *Earl* of *Shrewsbury* continued:—My Lords, I was saying that the declaration in question was the immediate consequence of Oates's plot—a plot hatched and supported on those very same popular delusions, those very same charges against Catholics, and their religion, which noble Lords and right rev. Prelates brought forward on the Maynooth Bill; a plot which characterizes the most disgraceful period of our history, which was eagerly seized by the unprincipled leaders of the factious Opposition of the day for their own unprincipled ends, chiefly to support the credit of the party which they represented, (the fanatical or country party,) to maintain the belief throughout the kingdom in the truth of these very charges, and thereby to raise themselves to power; a plot, the incidents of which were so improbable, nay so impossible, that Mr. Fox declared they could not have been believed even from the mouth of Cato, but which were nevertheless, though secretly discredited by the leaders, eagerly received as so much gospel by the credulity of the unreflecting multitude; a plot which speedily immolated no less than seventeen innocent individuals, one of them seventy, another eighty years of age, (for the plot itself was a pure, pure fiction,) and which, condemning seventeen others to death, some of whom died in prison, and subjecting the whole Catholic population of the kingdom to the extreme of misery and vexation during two whole years, at length terminated—no, it did not terminate with Lord Stafford, for there was still another victim to its thirst for blood in the venerable Archbishop Plunket, the Primate of Ireland—but requiring at that particular juncture a higher and more distinguished victim, lest its credit should slacken and depart, Lord Stafford was selected for the purpose. Sprung from the best blood in England, venerable for his years, remarkable only for the quiet innocence of his life, his only crime that he was a Catholic, his only offence that he was a man of unpretending talent. For this, was Lord Stafford selected from the five Catholic Peers who were imprisoned, and selected to stamp the judicial proceedings of that unhappy period with eternal infamy! But why, my Lords, do I dwell upon this scene? Why! but to show the character, the iniquity of the men who proposed, and the ferocity of the times that accepted that declaration; and from which noble Lords and right rev. Prelates still seem to draw the inference, that because it was accepted by the Legislature, therfore was it true. My Lords, it was not likely that men who were imbruing their hands in the blood of so many innocent victims should stop to inquire into the truth or falsehood of anything that they found so adapted to their purpose, the exclusion of Catholics and the destruction of their religion, to gratify the fanatics—Parliament too largely and too fatally participating in the crime, to gratify the fanatics through whom they aimed at power and place. For this was the plot devised and prosecuted; and when Shaftesbury, the principal leader in those iniquitous transactions, was taxed by a friend with the improbability of its incidents, what did he answer? "The more nonsensical the better; unless we can make them swallow worse nonsense than that, we never shall do any good with them." Such, my Lords, was the man, and such the Parliament, that proposed and accepted that declaration, and which now carries such weight with it because it was accepted by the whole Legislature of England! My Lords, from the Parliament—and remember that one House was the prosecutor, and the other the judge of Lord Stafford, both involved in one common guilt; and remember, too, that thes things were done not in the green wood, but in the dry, when the new principles had enjoyed 150 years of fair play to purify the faith and improve the morals of the country!—from the Parliament, let us ascend to the Sovereign, the third estate of the realm. My Lords, the Sovereign who gave his unwilling assent to that declaration, sealed his disbelief of it by dying a Catholic!

But why do I still dwell upon those times? Why, but because these very

same charges of noble Lords and right rev. Prelates were then, as now, ever foremost on the scene;—because they then, as now, governed the feelings and regulated the legislation of the country—because I verily believe them to be even now the cause of the defective character of this very measure now before us—because upon them the whole framework of Oates's plot was built—because they were thrust forward at the opening of the prosecution against Lord Stafford, to prejudice the minds of your Lordships' House, then trying that innocent man, and which consequently—consequently, as is well attested, for the evidence itself was not fit to hang a dog—which consequently condemned him by a verdict at which posterity will never cease to shudder.

Do not fancy, my Lords, that these charges were not contradicted and disproved then, as they are contradicted and disproved now; Lord Stafford himself appealed for their contradiction to a work then recently published, and universally considered to be, as it has been ever since, a true, correct and faithful exposition of the real doctrines of Catholics on those points. It is entitled, "*Roman Catholic Principles in reference to God and the King.*" It passed through no less than twelve editions during the first six years, has been printed and reprinted ever since, has frequently been distributed gratuitously through the country, but yet has it never proved any sufficient antidote to the poison, for the charges themselves are as rife as ever.

There is one passage in the Preface so exceedingly apposite to our present purpose, that I trust your Lordships will allow me to read it to you, and I have done.

"You tell me," says he—he is writing to a friend—"and you are in the right, that the thing which hath rendered credible the testimony of otherwise incredible witnesses against us, and which hath invalidated all contrary evidence given in our behalf, is a persuasion many Protestants have, that the Catholic religion is made up of traitorous principles, destructive of peace and government. You say you have been informed by common report, by printed books, nay, by some ministers in their very pulpits, that Catholics hold it an article of faith to believe that the Pope can depose kings, absolve their subjects from allegiance, and dispose of their kingdoms to whom he pleases. That to murder Protestants and destroy the nation by fire and sword for the propagation of the Catholic faith, are works of piety, and meritorious of heaven. And is it not strange, and severe," continues he, "that principles—and those pretended, of faith too, should be imposed upon men, which they themselves renounce and detest? If the Turk's Alcoran should in like manner be urged upon us, and we be hanged up for Mahometans, all we could do or say in such a case, would be, patiently to die with protestations of our own innocence. And this is the posture of our present condition."

My Lords, he speaks feelingly in this matter; for he was a Benedictine monk, and one of those tried for Oates's plot, but fortunately acquitted.

"We abhor, we renounce, we abominate such principles; we protest against them, and seal our protestations with our dying breaths. What shall we say?—what can we do more? To accuse men as guilty in matters of faith which they never owned, is the same thing as to condemn them for matters of fact which they never did."

The author then proceeds to give a true and candid explanation of his belief in the main points of faith and loyalty, controverted between Catholics and Protestants, as they severally relate to God and the king; and, in conclusion, says—

"These are the principles, these the treasons, these the idolatries and superstitions which, though no other than what we have received from our forefathers, and what the greatest part of the Christian world now professeth; yet have drawn upon us poor Catholics in England such dreadful punishments. Sweet Jesus, bless our sovereign! pardon our enemies; grant us patience, and establish peace and charity in our nation! This is the daily prayer of, Sir, your faithful though distressed friend."

Now, my Lords, as I said, I have done; but I trust that an impartial survey of the history of those times—and a careful perusal of it will amply repay the trouble—it is beautifully given in Lingard—I trust that it would serve as a caution to every man of station and influence not to encourage, nor yet to yield to these popular delusions, now seemingly become hereditary in the country, though resting only upon so many traditionary falsehoods.

My Lords, if I have mistaken the true import of what fell from the noble President of the Council, or if I have overstrained my inferences—though I do not think that I have done; for I have a very strong additional argument in favour of my opinion, in a declaration made only the other day in another place, that you do not mean to relax the penal laws against the Regulars; for upon what conceivable principle is it that you should

continue to proscribe such men as Father Mathew in Ireland, unless it were upon the principle of concession to the fanatics in England?—but if I have overstrained my inferences, the noble Lord ought to be obliged to me for giving him this opportunity of explaining. But let but the Government disown all pernicious control from the Ultra-Protestant party—let them openly declare their determination to pursue their promised legislation for Ireland in the same spirit, and with the same magnanimity, as they displayed upon the Maynooth Bill—through good report and evil report—neither declining to the right hand nor to the left—equally regardless of the clamour of the fanatics in England, as they are of the cry of the Repealers in Ireland—weighing only the intrinsic virtue, merit, and wisdom of their measures, and their adaptation to the declared purposes for which they are intended—not acting with the vacillations of a party seeking to retain power and place at the expense of principle and consistency, but as a real, effective Government in the country, capable of controlling the bad, and of encouraging the good—busy in closing our lamentable divisions, and remedying the evils of the miserably diseased state of our population—thus professing, and thus acting, I trust that the blessing of Heaven would be upon their labours, and that they would ever receive that support from Parliament and the country which they would then so deservedly have earned. As a proof of their sincerity, I wish they would withdraw this measure for a season—for if they persevere in it, it will be but a fresh source of discord, instead of a boon of conciliation, in that unfortunate country for which it is destined—unfortunate only because you do not govern it with justice—I wish they would withdraw it for a time, and return with it in a fashion more suited to the wants and wishes of those for whom principally it is intended.

My Lords, I trust I have not said that which should reasonably offend any one—nothing was further from me; but I have deemed it right thus openly to express the deep convictions of my mind: more especially do I trust I have not said that which should hurt the feelings of the noble Marquess near me (the Marquess of Breadalbane) — I thought he had been still in the House—for I have ever admired the honesty of purpose which he has displayed, though I cannot but lament the delusions under which I believe him to be on these matters, and the countenance and support he thereby gives to a multitude of others less honest, and far more deluded than himself.

Lord *Brougham* begged to correct a misapprehension into which the noble Earl who had just spoken appeared to have fallen. He had meant nothing disrespectful by the interruption he had offered, either to the noble Earl himself, or the religion to which he belonged; but he wished to avoid an interminable controversy, quite wide of the subject before them. There was nothing so vexatious, unbearable, and harassing, as a speech of great ability, in which the talents and abilities of the excellent speaker only winged him away from the question at issue. In such a case, when the speaker turned his back upon the subject, and at every step he took receded farther and farther away, the suffering caused to the hearer was acute beyond conception. Returning to the question now before the House, he regarded this as a most judicious, wise, and liberal measure; judicious in its foundation, and in its superstructure answering to the excellence of its groundwork, for the establishment of four Colleges in Ireland, in which should be educated all Her Majesty's subjects, without distinction of party or sect, by the exclusion of all sectarian differences and theological education. What earthly connexion with the question, with any view men's wisdom could take of it, or any arguments men's faculties could raise upon it, could there be in a discussion of the historical merits of the Catholic religion? It seemed as if the noble Earl thought there was to be a professor hostile, in his teaching, to the Roman Catholic religion, appointed in each of these Colleges; but instead of that, there was to be no professor of theology either Catholic or Protestant. And for this simple reason, that if you were to teach theology, you could not make it a truly catholic College; that was to say, a College at which all sects of religion could be equally taught. The noble Earl had passed a splendid panegyric on the religion to which he belonged, as the nurse of arts, the patroness of science, enshrined in virtue, adorned by humanity, and founded in eternal truth. That might be true, or the reverse of true, but it was a question utterly foreign to the pre-

sent discussion. If there was any one subject which ought not to be discussed in Parliament, it was the faith and creed of their Members, for which each individual was responsible only to his Maker. With respect to what the noble Earl said as to the sermon of the rev. incumbent of St. Matthew's, Rugby, in which he had discovered absurdity, fanaticism, disgraceful and notorious falsehood, he presumed the noble Earl had been actuated by a wish to show that all the abuse was not confined to one side of the controversy. He (Lord Brougham) had given his support to the Maynooth Bill, not because he had lowered his approval of Protestantism, or his disapproval of the Roman Catholic system, which he held to be as perfectly false in a theological sense as the noble Earl believed it to be perfectly true. Nor was there any inconsistency in his supporting that Bill, and maintaining his Protestantism, which he had as much right to do, as the noble Earl had to repudiate the present Bill, and uphold his Catholicism. He rejected the errors of the Roman Catholic Church, not only for its theological tendencies, but for its political mischiefs, and should do so until a more subtle doctor, and more powerful reasoner—one who could stick to the question, and argue upon it, and would not fly from it—than the noble Earl appeared. To come now to the measure before the House:—he held this to be one of the greatest measures, in its beneficial tendencies, as well as in the truly catholic (he did not mean Roman Catholic) and liberal principles on which it was constructed, that ever had been brought before the Parliament of the United Kingdom. It was of no more use to tell him that the whole Roman Catholic hierarchy were against this measure, than it would be to say that the whole Protestant hierarchy were against it. If the whole clergy and laity, Protestant and Roman Catholic, were against it, he should still maintain the soundness of the views on which it was founded, and the excellent machinery by which they were carried out. He had, infinitely, rather see the Catholic clergy approve of it; but he could not in any event, withhold his hearty gratitude to the Government for having brought it forward. He had never yet heard of any class of priests who were prone to approve of a measure that tended to sap their influence over their flocks Whether the present measure had that tendency he would not stop to inquire; but it was enough for them to think that it had such a tendency, in order to be alarmed at the prospect, and irritated to opposition. The principle on which the measure proceeded was, that whatever ought to be the case in England, it was most desirable and beneficial in Ireland, that all the youth of that country should unitedly participate in the benefit of education to be conferred by the new Colleges. It was on the ground of excluding all sectarian religious instruction, that the London University had been erected, in establishing which he had aided. He was not, however, one of those who hailed the present measure as the triumph of this principle; because the circumstances of the two countries were so different, that a man who was against it in England, might yet support its application to Ireland. While the proportions of the adherents of the established and dissenting Churches remained as they now were in Ireland, if you were to have any teaching at all, you must keep religious instruction apart. This was denounced as "a gigantic scheme of godless education," equally by the Repealers in Ireland, and their greatest enemies the high-church party, with a harmony more astonishing than edifying. The noble Earl argued that they would thus suffer their youth to grow up without religious education, which was far more important than any secular learning. He utterly denied that statement. Would they exclude religion by teaching the classics, mathematics, and natural philosophy, at certain hours, within the walls of the Colleges, while religious instruction was left to be given at home by the parents of the pupils, or the pastors of their several persuasions? Was it to be said that this system of giving religious instruction was not as good as that pursued at Oxford and Cambridge? If the advocates of the present Bill cared nothing about religion, then they might consistently say that Roman Catholics and Protestants, and Mahomedans and Hindoos, and all the sects of Protestant Dissenters — Baptists, Unitarians and Presbyterians — might all be taught the general principles of religion together, and make use of a common ritual among them. But they said "no" to that doctrine. They said, they could not allow religious principles to be compromised in any such manner, and it was

on that account that they deemed it absolutely impossible to teach any system of religion within the walls of these Colleges. They acted according to the common consent of mankind in such matters. Where, he would ask, was it supposed necessary to combine religious education under the instruction given by a French master, or an Italian master, or a dancing master, or a professor of drawing? Were these branches of education deemed to be essentially connected with religion? Most decidedly not. He was at perfect liberty to procure a French master, or an Italian mistress, or a music or singing master, to teach his daughters, without at the same time thinking it necessary that these individuals should give religious instruction also; and had he not the same right to send his sons to learn Greek or mathematics, or anatomy, or chemistry, without connecting any of these branches of education with religious instruction? What possible difference, he would ask, could apply to one case, which would not be applicable with equal force to the other? Why, in one instance, should the system be thought perfectly safe, and in the other be characterized as a godless system of education. But then there was a wide distinction to be drawn between the Colleges proposed to be founded under this Bill, and some of the Universities of this country. A young man going to Oxford was entirely removed from the eye of his parents and pastors, and he was, therefore, in a very different position from children living under their fathers' or guardians' roof, and going daily to study at the College. That distinction ought to be always borne in mind in considering this question. In the case of Oxford or Cambridge, it was quite right and necessary that religious instruction should be combined with secular learning; but in University College and King's College, and, above all, in those four Irish Colleges, where the pupils were not to live within the walls of the institution — in those establishments which were, in fact, to be only day schools on a large scale—the case was very different. Such, then, being the fact, the total absurdity was obvious of the attempt to charge these Colleges with being of an irreligious tendency, to talk of their institution as a 'godless' system of education. Why such a charge should be made, he was really at a loss to find out; unless, indeed, it was because the system was one of 'priestless' education. The term 'godless' education, in fact, meant nothing except 'priestless' education, and the not instilling the youthful mind with such description of study as might be designated properly by the term, at the same time with secular education. The priests would much rather have the entire control of the education of all children in their own hands. They would much rather that no person should teach anything except themselves, they being perfectly well aware that if it were so, religious instruction would form nine parts out of ten of all the education they would impart, and that even the tenth would be strongly tinged with their religious opinions. Why was it that he made this remark? Because he had heard it openly avowed that it was dangerous to Catholicism and to the Romish faith, for Roman Catholic children to be taught any branch of learning—even anatomy, it had been said — if religion did not find its way, at the same time, into the youthful mind, through the person who used the dissecting knife, or who lectured on the uses and relative position of the bones. No instruction in the science was to be given without a sprinkling being at the same time imparted of Roman Catholic truth, as they called it, but Roman Catholic error, as it was termed in that House. There was another class of objectors to the measure, who were represented by the noble Lord opposite (Lord Eldon), who had introduced a petition to their notice in opening the debate from a hundred and odd Members of the University of Oxford. He had understood that noble Lord to say that these petitioners objected to any education which was not grounded on the religious 'system' of the Oxford and Cambridge Universities. Now, he marvelled greatly that so profound an ignorance should have obscured the learning of those distinguished individuals, as that they should speak of the 'system' of Oxford and Cambridge in the singular number; because, as regarded the question of religious instruction, no two systems could be more unlike—nay, more opposite to one another—than the systems followed by these bodies. In Oxford one could not matriculate without subscribing the Thirty-nine Articles, and consequently no person who was not a member of the Church of England—for it excluded Protestant Dissenters as well as

Roman Catholics—could enter any of the Colleges. At Cambridge there was no such subscription. The student might go through the whole curriculum without having any inquiries made respecting his form of faith, and it was only when he came to take his degree that he first heard of subscription. Therefore, instead of one system, they had two; and the system propounded by Her Majesty's Government for Ireland was precisely the Cambridge system, as opposed to that of Oxford. Therefore, if they had not the authority of the two great English Universities in favour of the present Bill, they had, at least, the authority of one of them, namely, Cambridge, in support of it. The University of Cambridge allowed all persons to study in it. The Mahomedan, the Hindoo, the Roman Catholic, and the Jew, could, as well as all the varieties of Protestant Dissenters, pursue their studies there; and as his noble Friend near him (Lord Monteagle) just reminded him, they might even pass their examination and take honours, though they could not acquire a degree of Bachelor of Arts, without subscription. With the exception of the post of Fellow, and the nominal, though he admitted highly respectable, titles of Master of Arts, Bachelor of Arts, Doctor of Divinity, and Bachelor of Divinity, there was no one part of the academical curriculum which persons of any religion might not go through. A man may be senior wrangler though a Roman Catholic or Jew; and in point of fact he knew one of the most eminent wranglers in Cambridge—he might, indeed, say two—who were Jews, and who ranked among the best mathematicians of the day. In the same manner some members of the Society of Friends had acquired eminence in that University, though they were obliged to stop short of taking a degree. One word more, and he would conclude. He confessed that he was one of those who, in the late controversy on the Maynooth question, could see no reason whatever for the line of argument which was now revived with regard to the present Bill, of confounding those questions with the principle of endowing the Catholic clergy. He never saw any connexion between the two measures, or never could perceive why a person who voted for one, might not take an opposite course with regard to the other. He thought the two lines of argument and of conduct perfectly consistent; but he should go a step further, and state as his opinion that the prospect of danger held out had nothing formidable in it. He had always thought, and the experience of every day of his life strengthened him in the belief—every reflection of his mind rooted the conviction more strongly within him—that it was a matter deeply to be regretted that they did not at the Union carry the Catholic question. The country ought ever to lament that fact; but having omitted it then, it was to be regretted that when they did carry that question in 1829, they did not accompany it with a wise, a liberal, and a wholesome measure for endowing the Roman Catholic clergy. And if ever he lamented this omission more than at another time—if ever he felt really vexed at it beyond what he had language to describe, it was when he reflected that without any more opposition than the Maynooth grant had met with—that without any more ferment in the country than existed on that occasion—that without any disagreement or dissension among political friends and co-religious fellow believers, than had been roused by the comparatively unimportant questions of the Maynooth grant and of the present Colleges—they might have carried that great measure, which every hour he lived made him think the more strongly was the only really effectual and ample cure for that unhappy part of the United Kingdom. He was told that if that question were brought forward, the Roman Catholic clergy would not thank them for the offer; that they had already repeatedly refused to have any thing to do with a state endowment; and that they would persist in resisting it. *Credat Judæus!* He had on a former occasion told them of a conversation which had taken place on this subject in Ireland, in which a noble Earl and a prelate of the Roman Catholic Church were concerned. He had stated that the opposition would be very great and very searching—that it would run through the whole Catholic hierarchy, but that it would have a limit in point of time, though it would have none in point of space. That it would be very strenuous—that it might be even very sincere, he would not deny; but that it would, notwithstanding all this, be limited as to time—of this he felt satisfied. But what was the moment when all this opposition to it would cease? It was the very instant when the Bill was

carried, and provision actually made for the Roman Catholic clergy. To use the picturesque expression characteristic of their Irish neighbours, which he had before mentioned as having fallen from a prelate of that Church, no sooner would the State provision be offered to the lowest bidder, but the clergy of the Roman Catholic persuasion would be seen filling the Castle-yard like a flock of rooks. That was not his language; but it was the language of a right reverend prolocutor of their body. He must again express his regret, first, that no provision had been made for the Catholic clergy at the time his noble Friend, the noble Duke opposite, had added to his illustrious military name by the great act of statesmanship with which he was connected, and to which he (Lord Brougham) had before alluded. He regretted that at the time when that measure—which was the basis of all conciliation in Ireland—without which no measure of improvement could be worth anything whatever—which of itself was not everything, no more than the air is everything to life; but as without air life becomes extinct, so without the great measure of 1829 no other measure of conciliation could be applied, or have any hope of success—he regretted deeply that at that time, the measure of relief was not accompanied with a provision for the payment of the Roman Catholic clergy by the State. But he lamented still more that the Bill for the endowment of the College of Maynooth had not been accompanied with a provision for the Roman Catholic hierarchy. He begged to remind their Lordships that this was not the first occasion when the question of endowing the Catholic Church in Ireland had been brought forward. In the year 1825, Lord Francis Egerton, in the other House of Parliament, proposed to grant 250,000*l.* a year for the endowment of the Roman Catholic Church, and he (Lord Brougham) voted for it. The proposition of that noble Lord was to pay 1,500*l.* and 1,200*l.* a year each to the archbishops; from 800*l.* to 1,000*l.* a year to the bishops; from 400*l.* to 500*l.*, or rather he believed 300*l.* a year to thirty or forty deans or cathedral appointments; and from 150*l.* to 250*l.*, and 300*l.* a year to parish priests. When he heard it objected to his right hon. Friend (Sir R. Peel) in the other House, at the present day, that he was inconsistent in bringing forward the Maynooth grant and this other measure, for the founding of Colleges in Ireland, after his former opposition to the Catholic claims, he could not forget that his right hon. Friend, on the occasion of Lord Francis Egerton's Motion, had stated in answer to a question raised by him (Lord Brougham), that his objection to the measure was twofold—first, that he did not know whether the Roman Catholic hierarchy would be pleased with it; but yet that he did not rely on that objection so much as on the second, which was the main objection, and but for which he would have given his support to the Motion; and that was, that the Catholic question had not been yet carried. "If," said he, "the Catholic question had been carried, the case would have been wholly different. We are beginning at the wrong end. Let the Catholic question be carried, and then the Roman Catholic hierarchy may be pensioned." Some two months ago, when he heard the clamour which had been raised against his right hon. Friend, he had resort, in order to satisfy himself on the point, to the debates for the period. He had compared two different accounts together, and the result was the statement which he had just made. It was a very great mistake to suppose that by such a Bill they would weaken the foundation of their Protestantism. On the contrary, his entire and full persuasion was, that the established religion would become more secure by such a step. He well remembered having been told by a noble Friend of his, who was now present, that the late Lord Castlereagh, than whom no man was more consistently anxious for the Catholic question, had always treated the repeal of the penal code, and the necessity for endowing the Roman Catholic clergy, as one and the same measure; that he could not conceive the one without the other. He had this statement from his noble Friend, who—connected as he had been with that noble Lord by marriage—had a full opportunity of knowing his sentiments on the subject, and he had seen it since stated also by the Knight of Kerry in a pamphlet. That noble Lord had been a high authority on the subject; for no man could be more attached to the Establishment, or to the necessity of continuing Protestant ascendancy in the country; and no man could be better acquainted with the priests, as well as the laity of Ireland. When he found such an

authority, supported as it was by all who had most profoundly consulted the national interests of the Irish Church and of the Irish people, he thought as if he had found a rock whereon to rest his case. The noble Lord then continued:—"I can cite the venerable authority of the dead, as well as the great names of the living, on this point. It gives me pain, but at the same time a melancholy satisfaction, that I am to-night bound to enrol among that illustrious class who have departed from amongst us one who for so many years was one of the greatest ornaments of this and of the other House of Parliament. And if among the clouds of political controversy, and the still denser mists of religious differences, I may be permitted to pass for an instant to another subject, and to cast my eye to that illustrious name that has just departed from amongst us,* I trust my feelings will be pardoned for taking this first opportunity that has offered of saying that, although I have seen many men of powerful mind—many men of high, unsullied honour—many men of pure and amiable feelings and disposition—yet it has never happened to me to know of these three excellencies being found in such combination as in the person of my illustrious Friend who has now paid the debt of nature, and who, from that happy combination, lived only to be admired, and venerated, and beloved. He, of all men, held this opinion most strongly, most consistently, and for it made the greatest sacrifices. To give liberty to Ireland, by emancipating the Catholics—to give equal rights to our fellow subjects, by making one law serve for the poor as for the rich too—and to adopt all other courses consequent on these great improvements which would make that country no longer the scene of civil faction and religious feud, but the abode of peace, and of that national prosperity to which her natural resources and the talents and the virtues of her people entitle her; and as subservient to that end, to take the mischief from the hands of the mischief maker, by paying the clergy by a State endowment—liberally to endow the Catholic Church—judiciously, but liberally, was one of the most favourite objects of the life of the statesman whose loss we now deplore. It has been said—*Ut malignos cessare faciam, otiosos reddam.* To make them no longer agitators by leaving them no longer a grievance about which to agitate—this was the doctrine which he held through life, and to which no man of any party ever made greater sacrifices.

The Earl of *Carnarvon*: Having given, on a very recent occasion, my uncompromising support to my noble Friends on the Treasury Bench on a great question of religious policy, and being a decided advocate for the adoption of large and liberal measures towards Ireland, I find myself, with pain, compelled to oppose the Bill which Her Majesty's Ministers have just introduced into the House. I quite concur in the temperate address of those temperate and enlightened, calm thinking, and considerate men, whose petition from the University of Oxford has been presented by my noble Friend who has just sat down (the Earl of Eldon). Like them I come forward in reluctant but decided opposition to the present measure. I quite concur with them in thinking, that interests the most sacred are endangered by this Bill; they feel, indeed, that, with this conviction on their minds, silence would be servility; and that, when weighed in the balance, their natural desire to support the Ministers of the Crown must not be put even in momentary competition with what they conceive to be their duty to their country and their God. And I am sure, my Lords, that, proceeding from men influenced by such feelings, and so well qualified to form a sound judgment on a question of academical instruction, I am sure that, whether or not your Lordships may respond to the prayer of their petition, you will at least give it all the weight and consideration it deserves. In the observations which may fall from me on this Bill, my noble Friends on the Treasury Bench must be well aware that I am not actuated by any feeling of general hostility towards their Irish policy. Much of that policy I approve, but with reference to the measure before us, Her Majesty's Ministers take one view of the subject; and I, in common with your Oxford petitioners, take, most distinctly, another. In the universal ferment of the public mind for and against Maynooth, this Bill did not at first attract very general attention; at first it slept under the shadow of Maynooth, but it is, in my humble opinion, a question of far mightier moment. From the absence of those elements of success which usually give practical effect to

* Earl Grey died on the 17th of July.

legislative measures, from the undisguised aversion in which it is held by parties the most dissimilar in Ireland, it may indeed fail in the results contemplated by its projectors, and be alike powerless for good or for evil; but if this measure be attended by what my noble Friend on the Treasury Bench calls success, if it attract a great concourse of scholars, I shall then regard it as one of the most important measures of domestic policy which has been for many years submitted to Parliament; and when I reflect on the probable consequences resulting from the determination of Government to exclude religious instruction as a regular part of their system; when I think of the direct evil of positive religious ignorance which may be anticipated from this mode of leaving religious instruction to adjust itself as it may, and on the indirect mischief produced by that discredit into which religious instruction may fall in the minds of people from seeing it severed, by a deliberate act of the Government, from secular instruction, the one required the other barely tolerated; when I remember that this is a system to operate upon the middling classes, upon the rising generation and future strength of Ireland, and which, if sanctioned on the present occasion, may hereafter be introduced into our old collegiate bodies, perhaps into that very University of Oxford which has to-night sent up its prayer against this Bill; why, then, my Lords, when I ponder on all these considerations, I feel that this indeed is one of the most important measures we have ever had to consider; and I greatly fear that if your Lordships permit this Bill to pass into law in its present form, you will have dealt the heaviest blow that has ever yet been struck against the interests of religion by a British Parliament. In a religious point of view, I believe, my Lords, that those noble Lords who, from conscientious feelings, were opposed to the Maynooth endowment, and those who were friendly to it, sought the same end, though by widely different means. Noble Lords who were opposed to that measure resisted it as calculated, in their opinion, to impede the advance of true religious knowledge; we, on the contrary, who voted for it, felt that we were advancing truths, intermixed with error, but still great Christian truths, in the only way in which they could be practicably introduced among a Roman Catholic population. They in their opposition to, we in our advocacy of the measure, sincerely felt that we were fighting for the cause of religious instruction; but in the Bill before us, we disclaim religious instruction of any kind, as a necessary part of the educational course; we utterly abandon that field of instruction which we have been accustomed from our cradles to regard as the most essential to the welfare of man in his position here, and with reference to his views hereafter. Let us consider, my Lords, a little, the tendencies and provisions of this Bill. At what age will youths be admitted into these Colleges? At the age of fifteen, or sixteen, or seventeen, at latest, I suppose; for my noble Friends have given us no very exact information on this point. Well, my Lords, from this early period of existence, as far as the fundamental laws of the Colleges prescribe, religious instruction may be to them a sealed page; habits of attendance on divine worship which, if not embraced in early life, are seldom taken up in the business and multiplied avocations of after years, are either entirely dispensed with, or left to the option of the youth himself, at a time of life when he generally consults the inclination of the hour, and is incapable of deciding with judgment on moral points. I cannot call this a Christian measure of education. You cannot, indeed, force a man to be a Christian; but you are bound to instruct him in the Christian faith at that tender age, when you are commanded to "train him in the way in which he should go." Religion disowned, or, at least, unhonoured by the State, will be too often utterly neglected by the scholar; and he will leave these Colleges stored, perhaps, with every species of knowledge, but that which teaches a man how to live, and how to die. An accurate knowledge of the Scriptures—an accurate knowledge of the external and internal evidences on which our faith depends, cannot be really obtained without much labour and investigation; and is it likely that in the race for those secular honours which you are about to establish, in the struggle for pre-eminence between youthful competitors, which, if the Colleges grow into importance, will become keener and keener; is it likely, that in the midst of the stringent examinations you have announced your intention to institute; is it likely, I say, that under all these circumstances the student will pause long on that species of instruction, which you permit indeed but do not exact; which does not forward him one jot in the eager race he is running; which conduces to no imme-

diate results; which leads to no immediate distinction; and which, however valuable, has not that kind of value which youth readily appreciates. If religious and secular instruction be thus dissevered, the advance of the one must necessarily be injurious to the progress of the other. By the plan now proposed, we afford every possible incitement for the acquisition of secular knowledge; we hold out no one inducement to the attainment of that which is religious. This is a false position for any Government to take up, or for any educational institution to occupy in a Christian country. My noble Friend the Secretary for the Colonies, has adverted to Oxford. Far different is the case at that University. Religious knowledge is there essential to the attainment of a degree; and, therefore, in the course of study pursued by the undergraduate, religious and secular instruction advance *pari passu*, and work harmoniously for the general good of the scholar. My noble Friend has stated that every facility will be afforded by the Government, and has argued as if religious endowments instituted by individuals must necessarily take place. Years, however, may elapse, before these endowments are made, and I do not feel secure that they may be ever made at all; but granting that there is a prospect—granting even that a high probability exists that such endowments will be founded, can it be right to leave so grave a matter, so great an interest, to the hazard of the die? I shall consider it, my Lords, a deep reproach to this House, if a single year roll over our heads, and religion be untaught in any academical institution founded by the State. Facilities have existed for establishing private endowments at Maynooth for fifty years; but I believe this power has never been exercised, with the solitary exception of the Dunboyne appointment. What then has taken place at Maynooth, may well again occur at these new institutions. I cannot think that a measure which assures no religious discipline, which leaves attendance on divine worship contingent on the enactment of by-laws, and even the opportunity of acquiring religious instruction on the charity of individuals, can be right in an institution founded by the State. I think, that if a Government actually interferes with the education of the country, it should stand, as far as it can possibly do so, not only *loco parentis*, but in the place of the most judicious and solicitous parent; and what solicitous parent would leave the religious education of his child a matter of conjecture and of hope, and not, as far as he could assure it, of moral certainty? We are told that religious instruction is conferred on our children at public schools, not by divinity lectures, but by placing them under some religious man as a tutor, and are asked why may not a similar course be pursued in these institutions? My Lords, there is no analogy whatever in the two cases. Almost every tutor at our great public schools, at least at those with which I am acquainted, is a clergyman of the Established Church; and now that the public eye is so much directed to our public seminaries, the tutors are generally chosen from men not only of considerable attainments but of known piety, and whose attention has often been for years directed to religious subjects. But in the Colleges proposed, where the tutors will be chosen without any reference to religious qualifications, what certainty can a parent have, that a single professor may be found, to whom he can entrust the religious education of his child with any degree of certainty that it will be really and earnestly inculcated? At Oxford—with Cambridge I am less acquainted—but at Oxford certainly, at Eton under Dr. Hawtrey, and at Winchester under Dr. Barter and Dr. Moberly—religious instruction has greatly improved within the last few years; but there, the ministers of the Established Church fill the different posts of instruction. At Eton there are seventeen tutors, men not only learned, but enlightened up to the general knowledge of the day, and, in my humble opinion, to the incalculable advantage of the youth committed to their charge, ministers of the Established Church. Where such is the prevailing system, a religious spirit becomes necessarily mixed up, to a certain extent, with the studies, and still more with the intercourse, which takes place between the tutor and pupil; and thus, religious impressions, which are quite as efficacious in determining the future bent of mind as religious knowledge itself, become habitually and almost unconsciously picked up by the pupil. But where religious opinion is no qualification for the post of instruction, and no security is given that the professors be not completely latitudinarian, mere scientific worldly knowledge is just as often opposed, as it is favourable, to the growth of a religious spirit. Let it not, however, be supposed, from what I have just observed, that reli-

gion at Eton is only indirectly taught. I have a son at that flourishing establishment, and he regularly attends his tutor's * religious examinations. The most objectionable feature of this Bill with respect to the education of our youth in the new Colleges, has reference to the mode in which it totally dissevers them from the established clergy of the country. To the superintendence of that clergy over the youth of the country, and to the discipline carried on under their auspices, do I attribute, in a great measure, that steady principle, and tempered manliness of thought and character, which are so frequently perceptible in men brought up at our public schools and Universities, and which presents so strong a contrast to that exaggeration of opinion and of conduct which marks so large a portion of the foreign collegiate youth. But, my Lords, this influence, this salutary influence of the clergy, has no place under this Bill; no Prelate or ecclesiastical superior will be called upon to exercise a judgment, or even to have a voice in the nomination or removal of the professors. ["No!"] A noble Friend near me dissents; but I say there is no such provision in the Bill; and, consequently, there exists not a shadow of reason for supposing that their opinions will be called for with reference to those appointments; nor will there be any chaplains to instruct the mind of youth in the Holy Word; nor any discipline to enforce attendance upon public worship, and to train up the young student in virtuous and regular habits; nor any theological professor to lead the mind into a course of serious investigation; nor any examinations to ascertain, that religious instruction, if indeed any religious doctrines, by any fortunate chance, be ever broached within those walls, is duly acquired. My Lords, that close connexion between the clergy and the education of the youth of this country which has made our gentry the first gentlemen in the world, because they are the first in principle, and has gone far in rendering the people of this kingdom not only great but good, is proscribed by the Bill before us; and the influence of the Church of England, and the spirit of religion, will be alike extinct—nay not extinct—for it will never have even a momentary existence in these Irish Colleges about to be established by the Ministers of the Crown. I am not insensible to the difficulties which surround the Government with reference to this question; but I regret, deeply regret the mode in which they have abruptly cut, and not attempted to unravel the Gordian knot. I agree with my noble Friends on the Treasury Bench, that if religious instruction is to be administered within these Colleges to members of the Established Church, it must also be administered to others not of that faith; but this principle has been acted upon over and over again: and I think it is rather strange to contend at this time of day, when we have admitted Roman Catholic chaplains into our gaols and workhouses, concurrently with Protestant ministers, and without experiencing any inconvenient results—it seems strange to contend that we should refuse to admit any chaplains at all for the instruction of their youth and of ours, in places of education, where I should have thought their services would have been required. ["Oh, oh."] My noble Friend near me need not be alarmed. I am not about to enter upon the delicate question of concurrent endowments; such a proposition would, I know, be very displeasing to many of your Lordships, and, if adopted at the present moment, might involve the Government in difficulties which no friend would wish to impose upon them. But might no middle course be steered, which would deliver the Government and the Legislature from an embarrassment of this kind, and would yet relieve the measure from the odium under which it now labours, and justly labours, of being opposed to the religious feelings of every party in the country. Why should not my noble Friends consent to the enactment of a clause which should prevent the reception of scholars in these Colleges, till private endowments have been instituted, sufficient to assure the public mind that religious and secular instruction shall not be dissociated in these Irish Colleges? This proviso would not disturb or disarrange the machinery of your Bill; and if you really are of opinion, as you say you are, that private benefactions will ultimately take place under this system, would not such a determination, adopted by you the Ministers of the Crown, act as a stimulus, and hasten the period of these endowments? If enlightened men attach the importance which you say they do to the industrial and scientific knowledge to be communicated at these Colleges, will they not combine, independently even of religious considerations, and subscribe that amount of funds

* Rev. E. Coleridge.

which may be required to establish the religious foundations, as the only means of bringing the Colleges themselves into early operation? I shall submit no cut and dried plan to your Lordships, because I know well, that at this late period of the Session at which this Bill has been brought up to us, at this the eleventh hour of the measure, and in the present state of the House, and temper of men's minds, no prospect would exist of carrying such an extensive modification; but what is impossible for an individual is easy to a Government. I know I may be asked a thousand questions: with what amount of private benefactions I would be satisfied; where would I draw my line; what classes of sectarians would I admit. I will not enter upon such a fruitful field of controversy, if there is no hope that any proposition of the nature to which I have adverted will be entertained; but this I will say, that, to the fair and manly eye of common sense, a reasonable line of demarcation would appear—by no means removing all inconveniences, not unattended by difficulties either in principle or in practice—but which yet would satisfy the minds of just thinking and considerate men, that, in a somewhat difficult position, Her Majesty's Ministers had done their best to obviate the scruples and meet the wishes of earnest minded men, and to efface from this measure that which, say what you please, will be considered a blot, an irreparable and deadly blot, alike by the Protestants of England, and the Roman Catholics of Ireland. If it be argued that my proposition would indefinitely postpone the opening of the Colleges, why then, I say, that if, under the influence of such a stimulus, private endowments are not instituted to the desired extent, we have the gravest reason to apprehend that, without any such impelling motive, the benefactions will be small indeed, or none at all; and then we are brought at once to that frightful admission, that education is likely to be conducted in the Irish Colleges without any admixture of religion. Education, my Lords, ill regulated, is like the giant made by man in the fairy tale—fatal to those who have called it into existence; but by impregnating it with the heavenly spark, with that which purifies all it lights upon, *nil tangit quod non ornat*, you make the monster not only harmless but beneficial, and as available for good as for great purposes. I doubt whether my proposition would entail any delay; but if such were the result, I do not think that a little delay would prejudice the cause; a little delay in your proceedings may possibly assuage the angry feeling prevalent among Irishmen, and will at least show that you respect their honest, even if you consider them, which I do not, mistaken views. If, in addition to these arrangements, your Lordships would decide that the authorities of their own respective faiths should have power to require the attendance of their youth at their respective places of worship; if a certificate to show that every pupil had made due progress in his religious studies under his own religious instructor were considered essential to the attainment of honours at an examination, and to the conferring of a degree, I believe the suspicions of all parties would be disarmed; I believe the Bill would be then approved of by good and considerate men; I believe it would be no longer a measure of irritation and well-founded distrust, but, on the contrary, of love, conciliation, and peace. I am not insensible to the argument raised by some high-minded men against the propriety of taking any step which may have the effect of appearing to sanction different, and to some extent contradictory, systems of faith; still, my Lords, I feel that within certain limits a Christian should bend to circumstances for the general good of the Christian cause; and where vital truth is to be found, even if it be encrusted with error, it is our duty, if we have no power to substitute a better system—it is our duty to encourage, not to withhold, the religion which may save, because it may be in our opinion tempered with some or even with much of alloy. My noble Friend the Secretary for the Colonies has endeavoured to impress upon your Lordships, that the establishment of professors of different persuasions must necessarily engender interminable strife and confusion. I am not going, my Lords, to argue on the present occasion in favour of concurrent endowments. This, I have already observed, but I must pause to ask, whether these assertions of my noble Friend can be borne out by experience? I have heard that in Vienna, a capital situated in the midst of a Roman Catholic population, devotedly attached to the Roman Catholic faith, there is a Protestant theological chair; and yet that Austrian institution is harassed by no religious dissensions; in Bohn and other towns in Germany, the professors of different persuasions inculcate their different faiths without any inconve-

nient results. Is my noble Friend, who was so long Chief Secretary in Ireland, prepared to declare that Ireland is the only country in which the professors of the different religions cannot live in peace? But facts, my Lords, and not analogy alone, disprove the reasoning of my noble Friend. Why, at this moment, if I mistake not greatly, there are two sets of professors in the Belfast Institution maintaining different creeds, and both are salaried by the Government, and yet the institution is not disturbed by their feuds. My noble Friends do not contradict me. I am, therefore, correct in my statement. The positions of my noble Friend on this point are utterly untenable. Again, when my noble Friend dilates upon the dissatisfaction and endless strife which would result from the establishment of professors of different faiths in the same institution, does he forget that if the expectations of the Government be realized, if professors of different faiths be placed by private endowments in the different chairs, as they maintain will be the case, does he forget that the controversial spirit he dreads so much, and which would be necessarily engendered in his opinion by conflicting religious endowments, would be the natural and certain result of the Ministerial scheme itself, of which he is one of the authors and promoters. Or will he maintain that greater harmony is likely to prevail among professors of differing creeds established by private benefactions, than among men appointed by the Government, and grateful for that appointment. What, then, is the value of this argument of my noble Friend, with reference to the danger of controversy? an argument which has been used to-night to justify our placing religion under a positive ban and sentence of excommunication. My noble Friend casts his own arguments to the winds. He has argued to-night on the policy of establishing institutions in which the education of Roman Catholic and Protestant may be conjointly carried on. Separate institutions, we are told, would prevent the growth of that happy intercourse between Roman Catholic and Protestant, which, formed in the golden days of early life, so greatly tend to eradicate the prejudices resulting from difference of religious belief. There is, unquestionably, weight in this argument, and I for one do not believe that these advantages need be foregone; in my humble judgment, a blending of the youth is not incompatible with good religious instruction for both; but if it really be incompatible, as you maintain, why then separate institutions, which would enable both parties to carry their own religious views into complete effect, are surely preferable to the abandonment of all religious instruction by the State; are surely preferable, even without reference to those higher considerations which should have weight with your Lordships are preferable, even in a hard dry-politic point of view, to that storm of Irish unpopularity which has already burst upon these institutions yet in embryo —institutions whose only hope of success depends on their cordial reception by the people among whom they are planted. Separate institutions do not involve unjust ascendancy, and it is this which galls the Irish mind, and of this you should eradicate every vestige in your legislation. But when my noble Friend expatiates on the harmony which is likely to arise from this measure, what credit can we give to his anticipations? Are the signs of the times in accordance with his prophecy? The clergy of this country are generally opposed to the Bill. The Representatives of the University of Oxford have voted against it. Is it probable that the clergy of the Established Church in Ireland, which dislikes the National Board because it only gives extracts from Scripture, will regard with favour a system which teaches no Scripture at all. Mr. O'Connell, the leader of the Roman Catholic masses, is utterly hostile to it; the most influential of the Irish Members have denounced it, and the Roman Catholic prelates have declared it injurious to the faith and morals of their youth. Do you think, my Lords, that the priesthood of Ireland, whose influence you have yourselves admitted to be essential to the pacification of Ireland, whose opinion is literally law with millions, do you think they will regard with satisfaction a measure condemned by those with whom they are in the habit of acting, and to whom they look up with reverence and affection? and can you believe that without their co-operation these institutions are likely to take root among the Roman Catholic population of that country? By the measure of Maynooth you conciliated, by this Bill you may alienate, the power that influences millions. By this Bill we shall probably neutralize the good effects of our recent policy, and undo with our left hand what we have just done with our right. For what conceivable object shall we force reluctant parties in Ireland to accept,

at a great cost that which you may call a boon, but which they stigmatize as a curse upon their country. I believe this measure will either prove an utter failure, or another bitter source of discord in that sufficiently distracted country. When you see men of such different parties concurring in one common denunciation of the measure; when you see on the Protestant side of the question such names as those of the Members of the University of Oxford, and those appended to the petition which my noble Friend has to-night presented to the House; and on the Roman Catholic side of the question such names as some of those who appear adverse to the Bill among the Roman Catholic hierarchy; men who last year stood manfully by Her Majesty's Ministers, and braved much obloquy in their behalf in endeavouring to carry out the provisions of that excellent measure the Charitable Bequests Bill; when you see this, all this, my Lords, have you not some suspicion that opposition from such varied and honourable sources would not have arisen, unless this Bill had been utterly distasteful to the feelings of religious men of every party, and pregnant with danger to the interests of all religion? My noble Friend has adverted in terms of unnecessary censure to a memorial recently issued by the Roman Catholic Prelates of Ireland. They may be mistaken on one or two points; but are they so very wrong in all their positions? Are they so very wrong in believing that on many subjects the professors of one persuasion cannot safely instruct the youth of another? Take, for instance, the department of history? Would not the religious faith of the professor, in nineteen instances out of twenty, affect his general course of instruction—give even, sometimes, an undue colouring to facts, and trench pretty strongly, at particular periods, on the confines of that very religious instruction which you so deeply deprecate? Is it likely that the most influential event in modern history—the mighty movement of the Reformation—with all its important chain of consequences, would be viewed in the same light, or treated in the same spirit, by the Roman Catholic and the Protestant professor? The very supposition appears to me to be founded on a belief that the instructor of youth shall be devoid of all religious impressions—which God forbid in any institution foudned by the State. Again, on subjects of moral philosophy the Roman Catholics differ, in some respects, materially from us. I concur, however, with my noble Friend in thinking, that the chairs of anatomy and geology may be safely occupied by Roman Catholic or Protestant professors; but I think it of immense importance that those chairs should be filled by men of Christian views, because there are no sciences, particularly that of geology, which, if treated in an artful and unfriendly spirit, can be made more easily subservient to the purpose of shaking the faith of inexperienced youth; and when it is triumphantly contended that some doubting geological allusion can scarcely shake a man's well-founded faith, your Lordships must remember, that you are subjecting to this ordeal youths in the first dawn of manhood, of whom by far the greater number will never have applied their minds for five minutes together to any consecutive train of thought, on any serious or speculative subjects, during the whole course of their previous lives. My noble Friend has asked us whether we will cling to the system of Oxford and Cambridge in compelling the adoption of tests? He has specifically alluded to tests as applied to professors, and tests as applied to students. I admit that it is of more importance to ascertain that the student, during his residence in the College, has become grounded in the great truths of his faith, than to make him state at his matriculation what he exactly believes to be true; but with reference to professors, the test has this undoubted advantage, that it prevents a man from openly teaching that which is in opposition to his test—in short, from endeavouring to subvert the doctrine he has sworn to observe. But my noble Friends have felt it incumbent upon them to refuse that test, little stringent as it was, which was proposed in another place as an amendment on this Bill, and which simply required the professors to declare the Holy Scriptures to contain, in their opinion, the revealed Word of God. It has been to-night asserted, that the power of appointing the professors and removing them by the authority of the Crown, obviates the danger of improper nominations, and renders the imposition of tests unnecessary. Now, my Lords, I believe that my noble Friends will endeavour to select as professors men of moral and religious character; and I trust they will pursue this course, not only because the eye of the country is upon them, but from better and higher motives. Still, I cannot look upon this part of the question, with any reference to my noble Friends on

this side, or with any reference to my noble Friends on that side of the House. In a matter of this magnitude, I must look to the principle itself, I must look to the case of governments yet unborn; and when we remember the extent to which Governments are pressed on the subject of patronage and appointment, and the temptation under which they naturally labour rather to favour those who support them politically, than to listen to the claims of abstract merit; when we remember how little time a Minister, absorbed by the pressing duties of the moment, can devote to ascertain those distinctions and niceties of character upon which so much of educational success depends—I cannot bring myself to believe, that the power of nomination and removal by the Crown, without the recommendation or sanction of any ecclesiastical board, affords any permanent security whatever against improper doctrines being taught, or, what is far more difficult to guard against, being insinuated with fatal effect from those chairs—a very possible evil, an evil which has prevailed to a great extent in the Foreign Universities, and to which my noble Friends did not seem altogether insensible, when they contended not a week ago, against the abrogation of the Scotch tests. My noble and learned Friend, who spoke third in the debate, adverted in considerable detail to the London University. He observed, that the principle about to be adopted in the Irish Colleges, is that which prevails in the London University; and from this circumstance he argues success. As it is not essential to the matter before us, I will not enter into a question so delicate as that of the success or failure of this University in a religious point of view; but I must remind my noble and learned Friend that, although University College may enjoy the same glorious exemption from religious thraldom as that which is to be conferred on these Irish institutions, still in my humble opinion the parallel does not hold; because University College was founded on the principle, that, after the labours of the day, the pupils would return to their families there to receive religious instruction. But in the Irish Colleges the pupils will by no means invariably come from the towns in which the Colleges are situated, but often from a considerable distance; and therefore cannot return in the evening to receive the benefit of parental instruction. But I carry the matter further than my noble and learned Friend; further than many of your Lordships; and further, much further, than the Ministers of the Crown. I think that if a Government founds an educational institution, it entails upon itself by that very act, responsibilities of the gravest kind, and duties which it cannot delegate. I cannot acquiesce in the principle which has been laid down, and almost admitted, that when the parents of the pupils are living in the towns where the Colleges are situated, it is unnecessary to afford that portion of the youth religious instruction within the walls of the institution. I wholly dissent from this view; parents may be irreligious or indifferent; or, absorbed by various avocations, may refrain from giving up sufficient time to the religious instruction of their children. Many too naturally well-disposed may be utterly disqualified by their own early education and habits of mind, from administering religious instruction on any thing like a sound and definite basis. I think, my Lords, that when a Government founds an educational institution, it engages, as far as human imperfection can engage for the future, to remedy to the best of its ability all those irregularities of circumstance and position which bear hardly on the individual members of that common family of children which it admits to the benefits of a common education; and as it gives the best secular instruction to the child who cannot obtain it under the paternal roof, so it should make up to the offspring of incapable or irreligious parents that which is not his own fault, but the misfortune of his birth. I think a Government is bound to act upon these principles in founding great educational institutions—for such these are. These are not merely lecture rooms which you are about to establish, but a system affecting the whole of the sister island, involving examinations, honours, ultimately degrees, and all the incidents of a University system; and yet you deliberately propose to exclude religion—that which in a Christian country should be the moving principle, the sun and centre of your system. These institutions are, I suppose, intended for the public good; and we cannot more effectually promote the public weal, than by training up our population in habits of religious discipline and faith, or more prejudicially affect it, than by neglecting such precautions. Let me turn your attention, my Lords, for a moment from domestic matters. Let me

direct your attention for an instant to the state of the University in France. I do not mean to say that any close parallel can be instituted between the state of society in Ireland and in France. On the contrary the circumstances of the two people are in many respects widely dissimilar; still the actual condition of the French University has a direct bearing on the present question, because it shows the fearful consequences which may be induced by the existence of academical institutions from which religion is practically banished by the State. Here you have, indeed, a glorious example of institutions and authorities utterly divested of religious prepossessions and restrictions. However prejudicial this state of things in the French University, it was in harmony with public feeling, while France was slumbering in the night of utter infidelity; but within the last year, and most especially within the last two years, a prodigious reaction has taken place in the public mind; in the provincial towns churches are now crowded, which were deserted a few years ago; even at Paris at Notre Dame, on Easter Day alone, 3,000 communicants gathered round the altar; two or three years ago the number on such occasions was inconsiderable indeed. And this returning spirit of religion in France has engaged the Church in a struggle, inevitable on their part, with the University; a struggle which will probably involve the Government, at no distant day, in difficulties of a very serious kind. The religious party in France, fast growing in numbers and importance, complain, and with truth, that no young man can pass through the University without imminent danger of losing every principle of Christian faith which he may have imbibed at home. The irreligious state of the University retards the revival of temperate and practical religion in France; and perhaps, on the other hand, favours the progress of those Ultramontane principles which your Lordships dread so much, because religious men, compelled to choose between positive infidelity and perhaps too much belief, range themselves in a strengthening phalanx for the Jesuits, against a University which systematically corrupts their youth, and a Government which, however mild in its general policy, in this respect grievously oppresses their consciences. Look, my Lords, at the astounding spectacle of no less than fifty Bishops of the Gallican Church, men many of them of high and spotless character, appointed not by the Pope, but by the King, yet now arrayed in open opposition to his Government, supported by their clergy, and by an increasing number of the laity, all protesting solemnly against that place of education as pregnant with utter ruin to the youth entrusted to their charge; that University founded on the very same principles on which we are preparing to establish the Irish Colleges. Shall we commit the same fault with such a warning example before our eyes? shall we, with this experience staring us in the face, build up institutions on similar principles — institutions calculated to poison the stream of knowledge at the fountain-head, and to make, or at least run an imminent risk of making, the rising generation and future manhood of the country insensible to those great truths which have made our people not only the most powerful, but the most respected in the world. My noble Friend has observed that the state of religious opinion and religious parties in Ireland renders it impossible to introduce into that country the same system of religious instruction which may be expedient in the older Universities of England; but if it be true that great differences in the social condition of the two countries prevent the adoption of the same system, was it therefore necessary to reject, in the concoction of this scheme, every principle of a religious tendency, and to oppose every amendment that might have invested the Bill before us with a really religious character. Propositions have been made in another place, which would have greatly mitigated my objections to this Bill, had they received the assent of His Majesty's Ministers. Had the Government sanctioned the proposition brought forward by my noble Friend (Lord Mahon), with his usual ability, that the theological chairs should be supported by lecture fees, without calling on the State for payment; if the Government would have agreed to an amendment made by an eminent individual, that the halls for religious instruction should be built out of the public money; had it also been determined that chaplains should be appointed, and that the list of visitors should include the names of the ecclesiastical authorities of the district —this Bill would have been, in my humble opinion, divested of many of its gravest objections. My noble Friend has tauntingly adverted to the system pursued at the University of Oxford in our younger days, and has asked whether indeed it worked so well that we should give it an undoubted preference over that pursued at Edinburgh, where, I believe, no religious

instruction is enforced at all. Unquestionably at the time to which he adverts, religious instruction at Oxford was practically in a very defective state, although an efficient remedy has been since applied to the evil; and yet an inference seems to be drawn, that because the system was defective at that time, there can be no great harm in now omitting altogether religious instruction in the new Colleges. My Lords, this is the most extraordinary position it has ever been my lot to hear laid down. If I adopted this strain of argument with respect to secular instruction, what would you say?—if I reminded your Lordships that in the time of Gibbon, young men lounged all the livelong day up and down High-street, never opened a book, or called into useful exercise a single faculty which God had given them; if I reminded your Lordships of this undoubted state of things, and then observed, this was the state of secular instruction at that time; our fathers grew up under that system, and why should it not suit as well the generation of the present day in the Irish Colleges? if I said this, would not your Lordships ask me in what visionary train of thought I had been indulging—whether I really conceived that the world had stood still since that time, that I could imagine it possible to engraft the comparative ignorance, or rather the indifference to the acquisition of knowledge which then prevailed on the light, and science, and information of the present busy age? I ask my noble Friends a similar question. There has sprung up in men's minds within the last few years as great a difference of feeling in matters of religious as of secular import. Shall secular instruction, then, be pushed to its utmost verge, and religious education be alone neglected?—that instruction which can alone give real value to secular knowledge—that which is the keystone to the arch—that without which you may stimulate the intellect, but cannot regulate it; that without which you may make clever, but cannot make good citizens;—shall this be altogether stationary when every other species of instruction is rapidly progressive. The complaint is, that, some years ago, religious discipline and instruction were not sufficiently enforced at Oxford; but in this Bill, religion has not an authorized habitation or a name. The defective state of religious education at Oxford, some years ago, was not so much attributable to inherent faults in the system, as to that general deadness to religious matters, produced by many causes connected with the history and social state of the country; causes which weighed down the public mind during the greater part of the last century, but which the nation has at length, to a great extent, shaken off. The regulations which required attendance on religious worship—which established divinity lectures—which enjoined religious examinations—which, in short, connected religion directly with the instruction of youth, were, even then, in existence at Oxford, though feebly enforced; a state of things, resulting from that universal relaxation of opinion on religious matters, which pervaded the entire nation, and also the Universities; for bodies of men, however distinguished, are still but men, and acted upon, more or less, by the feelings which sway the rest of the community. Still, my Lords, the foundation of all that was originally right and good, remained—the framework was in existence—the machinery was entire; it only required an external impulse—it only required the revival of a more religious feeling in the country to set that machinery again in action, and bring forth the happiest results; but here we have no authorized system of religious polity to work upon and improve. At present, my Lords, attendance on religious worship is strictly enforced at Oxford; undergraduates, from the period of their matriculation, uniformly attend their tutor's divinity lectures, whether intended for holy orders or not. They are examined in the Thirty-nine Articles—in the Four Gospels—in the Acts also—and in the internal and external Evidences of our Faith, without which no man's religious education can be tolerably complete; as he who cannot assign a reason for the faith that is in him, may have his best hopes destroyed by any specious train of argument. Will any noble Lord maintain, that requirements such as these, are too great for the education of our Protestant youth, in an educational Institution founded by the State? Can we conscientiously consent to forego, for the Protestant youth of the sister country, that amount of religious instruction which we think essential to the education of the Protestant youth of England? The Roman Catholic prelates have declared, that such a system is absolutely insufficient for the religious instruction of their youth. I ask my right rev. Friends, whether we can conscientiously adopt a lower standard for ours? Can we, in these days of advanced knowledge and experi-

ence, conscientiously assist in building up Institutions framed, not on the model of those elder Universities, which have been successful to so great an extent in our own country, but on that of the French University, which propagates the worst of religious errors, the absence of all religious opinion; and which is producing consequences which may, at no distant period, convulse society in every part of the kingdom? I do not impute to the Ministers of the Crown any hostility to religion. No one will suspect my noble Friend, the noble Duke, who has devoted a long and glorious life to the service of his country, in the field and in the Cabinet, of harbouring any feeling against the religion of his country. My noble Friend the Secretary for the Colonies has never been considered indifferent to religious considerations; still of this I am convinced, that if this measure pass into law, the public will not easily believe, that either the Government or the Parliament are animated by a real wish to protect religion; and as far as any legislative enactment can have that effect, this measure will tend to discourage that anxious wish to extend religious instruction, which has now for some years past been prevalent, not only among those circles in which your Lordships move, but among the middling classes—an anxiety which has been gradually superseding the coldness of the departed age—which has been slowly but surely gathering strength from one end of the country to the other—and which, I trust in God, may not receive a fatal check from the vote to which, I fear, your Lordships are about to come to-night. Deeply impressed with the evils of the course which we are pursuing, I feel it my bounden, though painful, duty to move, that the Bill before us be read this day six months.

The Marquess of *Lansdowne* would confine his observations to a statement of what parts of the Bill he approved of, and in what respects he disapproved of it. The Bill must be considered as containing three distinct principles. The first was one which had long been recognised by their Lordships, namely, the necessity for bestowing an education upon the people at large. The second principle was a necessary result of the first, namely, the necessity for proportioning the education provided for the people at large, so as to suit it to the condition of all the classes of the people. The third principle involved in the Bill was, the establishment of such a system of education as should render it acceptable to persons of every different form of religion in the land where it was to be founded, and likewise such a system as should remove the snares and stumbling-blocks which would prevent conscientious persons from taking advantage of the benefits of instruction which the Bill might offer to them. Their Lordships had long since adopted the principle of giving an education to the people at large; and the Bill before the House proposed for the first time to adapt that education to the wants of persons of the middle station of life, who previously had been totally overlooked in the educution schemes of the Government; the whole attention of the Board of Education of Ireland having been directed towards the humbler working classes in Ireland. There was a demand for means of education being afforded to the middle classes of persons there, which demand was not made by the laity alone, but in which the clergy joined to a very considerable extent. These two classes united in calling upon the Government to make some provision for the better educasion of persons in the middle ranks of life, by the foundation of scholarships, and the establishment of Colleges or institutions where instruction in the higher branches of learning could be offered at a moderate cost, and of a superior quality. The object which the Bill was expressly devised to achieve, was that which he had just described. But he would beg to ask the noble Earl who had just sat down, whether he thought the measure would prove of any benefit whatever to Ireland, if it were to be confined exclusively to persons of one form of religious belief? Would any person professing other religious belief, apply for instruction or admission to the Colleges which should be instituted under the Bill, if they found that their form of faith was discountenanced at those Colleges? The Bill, as originally framed, made no provision whatever for religious instruction in the Collegiate Establishments which were to be formed under it. But, in consequence of what had occurred during its progress in another place, an alteration had been agreed to, and provision made in it for halls and lecture rooms, where theological lectures might be given to those students who were disposed to attend to such a course of instruction. There were, he admitted, some difficulties

in the way of the measure—the principal of which was the appointment of the professors being vested in the Crown. He thought that if this power continued to be so vested, it would at no very distant period become a mere appendage to the patronage of a Minister, and consequently the professorships would degenerate into mere sinecure places, filled, not by competent persons, but by men who had claims on the Minister of the day; and the consequence would be that the College would fall into discredit and be abandoned. He did not object to the Crown having the power of making the first nominations under the Bill; because he thought that power would be carefully and judiciously exercised. He saw, however, with pleasure that this power was limited to a period of short duration; and he trusted, when that period had elapsed, the Government would see the propriety of confiding the appointments to the professorships to some competent and responsible body—to the Board of Education in Ireland, for instance, which being composed of mixed Roman Catholic and Protestant prelates, and of Presbyterian clergymen, was well calculated to act impartially in the matter. There was another fault in the Bill which showed him that it was in an incomplete state, and one which required, and he did not doubt would have, future alteration: he meant the want of some connexion between the four Colleges which were to be established, by which they would constitute and form of themselves an University. The strong religious opinions in the various parts of Ireland, which differed so widely from each other in the north and in the south, would have a corresponding effect upon the Colleges which should be established in those various districts, and lead ultimately to rivalry, and to dissension, hurtful to the whole establishment, and which could only be obviated by collecting all the Colleges under one form of discipline, and subjecting them to the rule of a University. He was fully aware of the difficulty of establishing an Alma Mater which should gather all the newly created Colleges under her authority. He knew, also, the difficulty of making Trinity College, Dublin, such a University, and of endowing it proportionately to the claim of the new Colleges; but if those difficulties were, upon examination, found to be insuperable, he saw no objection to the creation of a central University out of Dublin, and of giving that University the power of conferring degrees; placing all the Colleges under an uniform system of discipline, to be established and enforced by such University. It would not be a College of itself; but would merely constitute a focus, or become the representative of the four Colleges; and he thought such an addition would be a most salutary change in the Bill. Having thus expressed his sentiments, and shown in what parts he approved of the measure, and wherein he disapproved of it, he should conclude by expressing his intention of voting for the second reading.

Lord *Clifford* said, that had he had the good fortune to have attracted their Lordships' attention, as he wished, three hours previously, he should only have expressed those sentiments respecting the measure before the House, which the noble Marquess who had just spoken had uttered with so much dignity and propriety of expression; and to which he gave an authority as great as that which they would have derived from any other Peer in their Lordships' House. He begged also to thank the noble Lord (Stanley) for the mode in which he had brought the Bill forward; and he should, upon the noble Lord's own showing, have felt disposed to acquiesce in it, even had he not been corroborated in his views by the speech of the noble Marquess. The artful representations which had been so sedulously and so perseveringly spread throughout Ireland, that the people and Government of England were filled with hostile feelings towards the people of Ireland, were wholly and totally false. He pronounced them to be false from his own observation of what the true sentiments of the English nation were; and the people of Ireland had taken a far wiser and better course by looking up to the Government and to the English people for justice and equal rights, than they would have done had they turned to those who took upon themselves to be their counsellors and guides. He put it to the noble Earl opposite (the Earl of Carnarvon) whether, after the suggestions which had been thrown out, he thought it would tend to the public interest, and to the pacification of Ireland, to persist in the Amendment, that the Bill be read that day three months?

Lord *Beaumont* said: I shall not trespass for any length of time on your Lord-

ships' indulgence, as I neither intend to imitate the example of the noble Earl, who introduced a long polemical discussion into his speech, nor wish to follow my noble and learned Friend in his argument on the policy of an endowment of the Roman Catholic priesthood in Ireland; for I confess I could see no connexion between the subject now before the House, and the religious topics dwelt on at such length by the noble Earl, unless the noble Earl intended to prove, by practically showing in his own person the inconvenience which arises from giving way to sectarian zeal and indulging in religious controversy, the wisdom and sound policy of the Government, in excluding from their plan of education all theological professorships. I must likewise own, that the question of an endowment for the Catholic clergy, introduced by the noble and learned Lord, seems to me to be equally foreign to the Bill now before your Lordships, as the polemical discourse of the noble Earl who preceded him. I am relieved, also, from any necessity of dwelling on those details of the Bill which seem to require some further consideration; as the observations made by the noble Marquess who spoke last but one embody, in a more forcible and effective manner than I should express myself, the opinion I entertain of the necessity of affiliating these three Colleges to one University; but although the subject has been nearly exhausted by noble Lords who have preceded me, I am not content to remain altogether silent, but am anxious to express in words, as well as by my vote, my unqualified approval of the measure. My approval is not founded merely on what I may call the narrow ground taken by the noble Lord opposite (Lord Stanley) in the early portion of the speech with which he introduced the measure, namely, its peculiar appropriateness to the present state of Ireland, but on the broad principle it contains, which is alike sound and true in England and Scotland, as in Ireland—I mean the abandonment of all religious tests, and the removal, by mixed education, of those sectarian distinctions and differences which must be fostered by separate establishments for each denomination. I blame not the noble Lord for taking this narrow ground; for I am aware that the connexion of the noble Lord with the Government, and the recent conduct of the Government in respect to Scotch Universities, preclude him from taking a larger view of this question; but I must remind the noble Lord, that the arguments he used were as applicable to England as to Ireland; and if he founds his justification of the present measure on the great diversity of religious opinions and persuasions in Ireland, he will soon find the selfsame argument applied with greater force, and more reason, to the case of England and Scotland. It is true, as the noble Lord stated, that in Ireland there are four distinct denominations, namely, the Presbyterian, the Unitarian, the Roman Catholic, and the Church of England; but in England there are not only these four leading denominations, but an infinite number of other less numerous, but equally distinct sects. The same remark is applicable to all the free States of Europe; the time has gone by when exclusive education can be maintained in any of the great countries which are desirous of encouraging learning and science. I will go so far as to say, that when the establishments for purposes of education are maintained out of the public funds, to which all denominations alike contribute, the Government has no moral right to impose a religious test on its subjects who wish to profit by them. I say you have no right to close the door of your Colleges against the youth who seeks to enter, till you have forced from him a confession of his faith; nor to stop the student who is ascending the steps that lead to the temple of science, and say to him, "Sir, what is your religion? Are you a Trinitarian, or a Unitarian—are you a Catholic, or a Protestant?" The gates of the College should be open to all; as all contribute to support it. My noble Friend near me seemed to mistake the subject altogether, when he supposed the question merely affected the Catholics, and considered it as one on which the Catholic bishops alone ought to be consulted: the question is of general education, and one which concerns the laity, and not the priesthood. It is for the benefit of the former that the measure is introduced; and noble Lords are mistaken if they imagine that the opposition of the Catholic hierarchy is caused by the omission of theological professorships in the intended Colleges; the purport of their memorial was not to have chairs of theology established in the Colleges, but to preserve in their own hands a control over the teaching and professors of all

the sciences; they wish to maintain their monopoly of learning, and condemn lay professors, or professors appointed by laymen. Their objection is a very different one from that taken by my noble Friend (the Earl of Carnarvon). My noble Friend is contented to leave astronomy, anatomy, geology, &c., in the hands of lay professors, but complains of the want of a chair for religious teaching, and alludes to the German Universities as examples to be followed upon that head. Let us consider what really is the proposition of the noble Earl, when he wishes to establish a chair for teaching religion. The duty of such a professor would be not to preach particular doctrines, or inculcate one particular creed, but he would have to discuss the polity of each form of faith, enter into the mechanism (if I may so call it) of different religions, lead the mind to investigate, perhaps to doubt; his lectures might be instructive, but would scarcely effect the object the noble Earl seems to have at heart. Let me ask my noble Friend if he is aware what are the discourses which proceed from the chairs of theology in German Universities, and who are the professors who have filled them? Is he ready to recommend teachers, such as Strauss, and other deep but sceptical scholars, who have filled chairs in German Universities, but whose works are at variance with the opinions which I am sure my noble Friend most religiously entertains? Great as is the opposition to the measure on the part of the Roman Catholic hierarchy, it would have been still greater, had the Government followed the suggestion of the noble Earl, and proposed chairs of religion on the principle of the German Universities. There are many other points to which, at an earlier hour of the evening, I would have alluded; but, at the present advanced period of the night, I will be content with repeating my unqualified approbation of the measure.

The Bishop of *Norwich* could not allow this great question to pass with merely a silent vote on his part. He had come to the House that evening with considerable hesitation as to the manner in which he should give his vote; and had the Bill remained in the state in which it was some weeks ago, he should have considered himself bound to oppose it. But after what he had heard that evening, and after the changes which had taken place, and the strong arguments used by the noble Lord who introduced the measure, he could frankly say that all his scruples were gone; and he felt it his duty, holding the situation which he did in the Church, to give this question of education his unqualified support. He believed that the noble Lords at the head of the Government had done everything they possibly could to introduce all the means which could be well introduced into the Bill for the purpose of religious instruction; and that if they had done more, instead of providing the means of conciliation, they would have excluded the people of Ireland from the advantages of this system of education; and would have failed to bring the Roman Catholic and Protestant population into those bonds of amity which it was the duty of every Christian to establish. He returned his thanks to the Government for introducing this Bill, which, if carried out in the way in which he trusted it would be carried out, would introduce into Ireland that spirit of Catholic Christianity which ought to reign in that country.

Lord *Lyttelton* wished to ask a question with respect to the 14th Clause. With regard to that clause concerning the attendance of students to receive religious instruction, it simply provided that religious instruction should be afforded to such students who were desirous to receive it. One would infer from this, that the students need not attend if they did not think proper. But there was another provision of the Bill which stated, that the pupils should not be obliged to attend any religious instruction which was not approved of by their parents or guardians. From this it might be inferred, that where the parents or guardians did approve of the pupils' attendance, that then they might be compelled to attend. He wished to ask the noble Lord, whether the authorities of the Colleges would have the power to compel such attendance?

Lord *Stanley* apprehended, that there was no power laid down in the Bill enabling the College authorities to compel the attendance of any individual to receive religious instruction; at the same time, it was provided that every facility should be afforded to enable them to do so.

The Duke of *Newcastle* rose merely to signify how thoroughly he disapproved of the Bill altogether; and he deeply regretted that the Government of this country should have introduced such a measure.

On Question, that the word "now" stand part of the Question? *Resolved* in the *Affirmative*: Bill read 2ª accordingly.

Their Lordships adjourned at a quarter past twelve o'clock.

HOUSE OF COMMONS,

Monday, July 21, 1845.

MINUTES.] BILLS. *Public.*—1°. Court of Chancery (Ireland).

2°. Games and Wagers; Real Property (No. 2); Turnpike Roads (Scotland); Unions (Ireland); Testamentary Dispositions, etc.; Joint Stock Banks (Scotland and Ireland); Compensations; Drainage of Estates.

Reported.—Highways; Railways (Selling or Leasing); Valuation (Ireland); Slave Trade (Brazil).

3°. and passed:—Grand Jury Presentments (Dublin); Fisheries (Ireland); Drainage of Lands; Masters and Workmen; Poor Law Amendment (Scotland); Excise Duties on Spirits (Channel Islands); Jurors' Books (Ireland); Jewish Disabilities Removal; Bonded Corn.

Private.—1°. Marquess of Donegall's Estate; Marsh's (or Coxhead's) Estate; Bowes's Estate.

Reported.—Morden College Estate; Lord Monson's Estate; Hawkins's Estate; Gildart's (or Sherwen's Estate; Manchester and Leeds Railway (No. 2).

3°. and passed:—Epping Railway (No. 2); Heaviside's Divorce; Brighton, Lewes, and Hastings Railway (Hastings, Rye, and Ashford Extension).

PETITIONS PRESENTED. By Mr. Maxwell, from Ballyjamesduff, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Lord J. Stuart, from Presbytery of Ayr, for Better Observance of the Lord's Day.—By Lord Dalmeny, Mr. Macaulay, and Mr. Ward, from several places, for a Change of Policy towards New Zealand.—By Mr. Duncan, from Provost, Magistrates, and Town Council, of Dundee, complaining of Delay of Edinburgh Mail.—By Sir G. Strickland, and Mr. Bankes, from several places, in favour of the Ten Hours System in Factories.—By Mr. T. Duncombe, from Surrey, for Inquiry into the Treatment of Lunatics, etc.—By Lord J. Stuart, from Town Council of Irvine, for Postponement of Poor Law Amendment (Scotland) Bill.

House met at twelve o'clock.

POOR LAW AMENDMENT (SCOTLAND).] On the Motion that the Poor Law Amendment (Scotland) Bill be read a Third Time,

Mr. *Hastie* said, that as considerable alterations had been made in the Bill, upon which the people of Scotland had no time to express an opinion, he felt it to be his duty to move that the Bill, as amended, be printed, and read a third time that day week. He thought that the Bill, under the circumstances, was pressed with unjustifiable haste. He did not deny that the people of Scotland were in favour of an alteration of the Poor Law; but at the same time, they were anxious to have another year to consider the Bill more fully.

Mr. *Dundas* seconded the Motion.

The *Lord Advocate* hoped, after the thorough discussion which the principle and almost every clause in the Bill underwent, that his hon. Friend would not press his Motion, which was equivalent to a postponement of the Bill for another year, particularly as his hon. Friend acknowledged, consistently with the fact, that the people of Scotland were in favour of an alteration of the present law.

Mr. *Wakley* said, he had supported the Bill originally in the hope that alterations might be made in it with the view to its improvement; but, unfortunately, the many alterations in it were anything but improvements, and as it now stood, it never would work well for the poor of Scotland. He most particularly objected to that part of it by which the able-bodied poor in Scotland were denied relief when out of work. A Scotchman being in distress in England was sent off to Scotland, where he was met by this Bill, which refused him all aid. Why, this was enough to set the Scotch poor mad, particularly when they saw that a different law prevailed in England and Ireland.

Mr. *Lockhart* believed, that it was the general opinion in Scotland that relief to the able-bodied poor in that country would degrade its peasantry; but he could not allow the third reading to pass without again entering his protest against the Settlement Clause, which would greatly interfere with the working of a measure in other respects unexceptionable. The grievance which that clause would entail on Scotland was unknown in England. The Irishman who laboured there during the greater part of a long life gained no settlement; and in his own country he had no absolute right to relief under any circumstances; yet hon. Members combined to give him a settlement in Scotland after a residence of five years; so that what could not be effected by an industrious residence of fifty years at one side of the Tweed, five years of indolence would gain him on the other. Hence, Irishmen who exhausted themselves in other parts of the kingdom would flow into Scotland, in order to gain a settlement. This, he repeated, was most unjust and ungenerous to Scotland.

Mr. *Escott* said, that the Bill, as it now stood, altered the present law of Scotland with respect to the rating of funded property for the relief of the poor. Under the existing law such property was rateable for the relief of the poor; but the present Bill gave the parish authorities the power of assessing or not assessing such property as they pleased. He certainly thought this alteration was objectionable.

The House divided on the Question, that

the word "now" stand part of the Question:—Ayes 33; Noes 7: Majority 26.

List of the AYES.

Baring, rt. hn. W. B.	Henley, J. W.
Benbow, J.	Hussey, T.
Bentinck, Lord G.	Hutt, W.
Bowes, J.	Jones, Capt.
Brotherton, J.	Lincoln, Earl of
Bruce, Lord E.	Lockhart, W.
Clerk, rt. hn. Sir G.	McNeill, D.
Clive, Visct.	Meynell, Capt.
Cripps, W.	Pringle, A.
Dick, Q.	Rolleston, Col.
Duke, Sir J.	Rous, hon. Capt.
Duncombe, hon. O.	Scott, hon. F.
Flower, Sir J.	Stuart, Lord J.
Forester, hon. G. C. W.	Warburton, H.
Fremantle, rt. hn. Sir T.	Wortley, hon. J. S.
Fuller, A. E.	TELLERS.
Goulburn, rt. hon. H.	Cardwell,
Hawes, B.	Mackenzie, W. F.

List of the AYES.

Berkeley, hon. C.	Wawn, J. T.
Berkeley, hon. G. F.	Yorke, H. R.
Mitcalfe, H.	TELLERS.
Sheridan, R. B.	Hastie, A.
Wakley, T.	Dundas, F.

Bill read a third time and passed.

GAMES AND WAGERS.] Sir *J. Graham*, on moving the Second Reading of the Games and Wagers Bill, said, that he was quite confident that the changes proposed in the existing law by the present Bill would be found most salutary in their operation. The objects of the Bill were twofold. Firstly, it gave additional facilities for the suppression of gaming houses kept open for the purpose of gaming; and, secondly, it amended the law with regard to wagers generally. With regard to the operation of the first portion of the measure, it gave to the justices of the peace, not included in the metropolitan districts, a power of granting warrants, on information given, to make a search, a power analogous to that now exercised within the metropolitan dissricts. Within the metropolitan districts the Bill enlarged the existing power. To issue a warrant heretofore it was necessary to get the information signed by two householders; but, as might be supposed, there was an unwillingness on the part of householders to grant this information. The Bill, therefore, proposed that the warrant to search might be granted on the information of the superintendent of police, and the finding of gaming implements was held to be conclusive evidence that gambling was carried on in the House. With regard to the second portion of the measure, relating to wagers, the Bill entirely followed the recommendation of the Committee. It took away all cognizance of wagers from the courts of law. But at the same time it made parties who made wagers and gained undue advantage fraudulently, subject to the penalties to which persons who obtained money under false pretences were subject. It put an end to all *qui tam* actions altogether. He, therefore, considered the Bill would prove very beneficial to the public, and he recommended it to the adoption of the House.

Mr. *Hawes* said, that the Bill did not confine itself to the recommendation of the Committee; for it interfered with licensed victuallers in a manner that was not contemplated. There was an attempt in the Bill to define an unlawful game; but that definition was so extensive as to include any innocent game: added to this, they were going to do that by the Bill that would operate as a further heavy tax upon the licensed victuallers, if they had a billiard table — the licensed victuallers were a body, he thought, who were sufficiently taxed already. The Bill, in fact, went beyond the description of it given by the right hon. Baronet, and beyond what was contemplated by the Gaming Committee. Unless the right hon. Baronet would insert a clause exempting the licensed victuallers from the operation of the Bill, he should vote against its second reading.

Mr. *Henley* said, he had no objection to support a Bill to put down gaming, but he had a most decided objection to the 8th Clause, which put upon the owner of any house in which a person might be found with a pack of cards in his pocket the necessity of proving that it was not a gaming house.

Mr. *Spooner* hoped the hon. Member for Lambeth would not persevere in his opposition to the second reading of a Bill, the object of which they must all concur in approving. There were some of the clauses to which he had a strong objection; but he thought the Bill might be so amended in Committee as to get rid of the objections to which it was at present liable.

Sir *J. Graham* denied that the present Bill was brought in to meet the special case of certain individuals. He brought the measure forward on public grounds,

and for the purpose of putting down gambling, which had lately very much increased in the country, and produced such pernicious and fatal effects. He denied that the Bill left gambling by the upper classes untouched. The 2nd Clause was especially levelled against the gambling of the higher classes—namely, against hazard, roulette, and other games, where the bank was kept by the person to whom the house belonged, and where there was a dead pull against the player. The object of the Bill was to protect the public, high and low, against improper gambling. He followed the Report generally, but he did not feel bound servilely to follow all the recommendations of the Committee. It was found, since the Report of the Committee, that French hazard was played in billiard houses after twelve o'clock. It was, therefore, necessary to include such houses in the Bill. He thought that the 8th Clause, which made the finding of certain implements a *primâ facie* evidence of gambling, would be indispensable to the efficiency of the measure. He admitted the terms of that clause were large, and were studiously made so; but he would be willing to consider in Committee whether those terms might not be restricted. With regard to the licensed victuallers, the hon. Member for Lambeth seemed to labour under an error. Under the present law, the police had the power of entering public houses at all times, so that there was nothing new in the provisions of the proposed Bill. The Bill might not be good for the publican, but it would be good for the public. He did not anticipate any objection to the Bill, and he should be surprised if the House of Commons rejected the second reading of such a measure.

Mr. *Warburton* thought that the Bill dealt most unfairly with respect to informers. They were first made necessary to carry into effect the Acts of the Legislature, and then, when they gave information, they were prevented from proceeding with the action.

Mr. *Bickham Escott* said, that he was a Member of the Committee which sat upon the subject of *qui tam* actions, and the Committee were clearly of opinion that the Statute of Anne was never intended to apply to betting on horse racing. It should be recollected that the informers with respect to the *qui tam* actions had proceeded on an old and obsolete Statute. He considered that the principle of the present Bill was a good one; and he hoped the House would assent to the second reading.

Mr. *Craven Berkeley* concurred in what had fallen from the hon. Member for Lambeth, who, he hoped, would persevere in his opposition to the Bill. He considered that the licensed victuallers were hardly dealt with by the Bill. He would give his support to the right hon. Gentleman, if he would strike out all the clauses in the Bill except those that related to *qui tam* actions.

Sir *G. Strickland* considered the Bill contained the foundation of a good principle, and one from which the public would derive great benefit. He should, therefore, support the second reading of the Bill; but he certainly thought Clause 8 was too stringent.

Captain *Rous* said, that it was evident that the licensed victuallers would not be placed in a worse position by the present Bill than they were under the existing law, which gave the police the power of entering their houses at all times. He thought the principle of the Bill was a good one, and he hoped the first conviction under it would be the Crockford Club house.

Mr. *Wakley* hoped, as a friend to the licensed victuallers, that the hon. Member for Lambeth would not divide the House, as such a course would be likely to prejudice their case. He never knew any matter of police regulation to come before the House, that the licensed victuallers were not selected for persecution. With respect to informers, he thought they were the pests of society, and were entitled to no sympathy, whether they proceeded against the rich or poor.

Sir *J. Graham* said, that if the House went into Committee on the Bill, he would endeavour to meet the objections which had been urged against the Bill in a fair and conciliatory spirit. With regard to the 8th Clause, he admitted that the terms of it were stringent; but he believed they would be necessary to put an end to the practice which prevailed in Doncaster and other places of persons taking lodgings during the races in private houses where gambling was carried on. Unless they armed the authorities in those localities with strong powers, the evil they sought to suppress would thrive and increase. He did not wish to press harshly on the licensed victuallers, further than to prevent the growing evil of gambling.

Bill read a second time.

At the sittings after five o'clock,

CAPTAIN BOLDERO AND MR. BONHAM.] Mr. *Hawes* wished to put a question to the right hon. Baronet the First Lord of the Treasury, upon a subject of great public importance; of his intention to do which, he had already given the right hon. Gentleman notice. The question had reference to the Report of the Committee which had sat upon a subject connected with the South Eastern Railway Company. He had delayed putting this question, in order that the Government might be the better enabled to act upon their own discretion and responsibility in a matter of this kind. His question was, whether Her Majesty's Ministers had had under their consideration the Report of that Committee, and whether they had taken any steps in consequence, in reference to the names of certain parties mentioned in that Report—namely, Captain Boldero, Mr. Bonham, Mr. Hignett, and Mr. Wray; and if so, whether they were prepared to state what those steps were which they had taken?

Sir *R. Peel:* Sir, I am prepared now to state to the House, in consequence of the question which has just been put to me by the hon. Member for Lambeth, and which I understood would be put to me, the course which has been taken by Her Majesty's Government, after a full consideration of the Report of the Committee to which the hon. Gentleman refers. Shortly after the Report was presented to the House, Mr. Bonham and Captain Boldero signified to me their wish to tender their resignations of the situations which they respectively held under Her Majesty. They stated, that although—speaking with reference to transactions of the present year which had been brought under the consideration of the Committee — they felt conscious of their perfect integrity, and that their conduct as public officers could not, in the slightest degree, be influenced by the holding of shares in any railway, yet, at the same time, they believed that their efficiency and usefulness as members of a public department were likely to be impaired by that Report. They, therefore, felt themselves called upon to tender their resignations, and I considered it to be my duty to advise Her Majesty to accept them, and Her Majesty has accepted them. In respect to Mr. Wray, who holds the office of Receiver General of Metropolitan Police, my right hon. Friend the Secretary of State for the Home Department has forwarded to Mr. Wray a communication, in which he seriously animadverted on the proceedings of this gentleman in reference to this matter, and directed him to confine himself exclusively to the proper functions of his department. With respect to Mr. Hignett, who was Solicitor to the Board of Ordnance, his right hon. Friend the Master General of the Board of Ordnance had felt it to be his duty absolutely to dismiss Mr. Hignett from his situation.

Captain *Boldero:* Sir, I feel confident that the House will indulge me by its attention for a few moments. I feel that there could scarcely be any position more painful to myself than that which I now occupy, in rising to address you upon the subject which has just been brought under your consideration. The House is aware that the South Eastern Railway Company had presented a petition to this House, accompanied by a letter, in which certain charges were made against my friend Mr. Bonham and myself. That petition was referred to the consideration of a Select Committee; and that Committee, after the most diligent and scrutinizing inquiry, came to this conclusion. In the Report laid upon the Table by the Committee, I find it stated—

"Though, however, Mr. Hignett admitted that he had written the letter referred to, he declared to your Committee, that when he wrote it, he had no authority to use the name of either Mr. Bonham or Captain Boldero; that he 'had no conversation whatever with those gentlemen upon the subject;' and that he used their names, considering that it would 'give weight to' his application for the shares he was soliciting from the Company. Mr. Hignett further declared, that the statement that he had spoken to Mr. Bonham was 'untrue;' and that the presumption intended to be raised by this use of the names of influential members of the Board, that the demands of the Company on the Board might be assisted by the course suggested by the letter, was without foundation, as 'they had not the power to further the objects of the South Eastern Company'—the questions at issue being deemed of a purely military nature, and the decision upon such questions resting solely with the Master General, and not with the Board."

Now, I can declare that this is the undeviating course in every question connected with railways. The Committee further add—

"That they feel it to be their duty, in the first instance, to state, that nothing which has transpired leads them to suppose that the decisions of the Master General upon any of the questions brought before him by the parties promoting either the South Eastern, North Kent, or the London, Chatham, and Kent lines of railway, were influenced by any other

than strictly public considerations. Nor has your Committee any reason to suppose that any act of the Board of Ordnance was affected or influenced by the conduct of Mr. Hignett; however well calculated that conduct was to suggest the suspicions expressed in the petition of the South Eastern Railway Company. Your Committee entertain no doubt that the decisions of the Master General and the acts of the Board of Ordnance, in reference to these railway companies, were the result alone of a desire to protect public interests, and to afford, consistently with them, a reasonable and proper accommodation to the public in the districts through which it was proposed that these railways should pass."

Thus the Committee (both on the letter and the petition) enter into a complete exculpation of my friend Mr. Bonham and myself. Sir, when I was under examination before the Committee, I exposed every private transaction connected with the few railway shares, without hesitation, in which I had been engaged. I stated that I had purchased in the North Kent line, and other lines, as I thought them advantageous, but that I was not in any degree influenced by my position as a member of the Board. In the Committee, very few questions were put to me; and I was led to suppose that the explanation I had given was satisfactory, otherwise I should have explained some points in detail, which now appear to me to have been misunderstood by the Committee. If I had not considered my evidence had been conclusive and satisfactory to the Committee, I would have added to its weight. I had not the opportunity of hearing it read by the clerk, nor were the notes of the shorthand writer sent to me. The Committee have done me the justice, in their Report, to notice that oversight. How it occurred I know not. Such is the fact. On a perusal of the evidence, I find I gave one answer which does not appear to be sufficiently explanatory of my intention, and it had reference to my motive for selling forty shares which I then held in the North Kent Railway. The real facts of the case connected with these forty shares I will now state. On Saturday, the 7th June, after the business of the day, I read the public journals; and from the *Times* newspaper I received the first intelligence that military officers had been examined before the Committee on Group A of railways, touching a powder establishment at Faversham, not the property of the Board of Ordnance. It struck me, then, that possibly the same course might be pursued with reference to the Ordnance property at Chatham and Woolwich, through which the line was proposed to pass; and that perhaps I might be called upon, as a Member of the House, as then holding an official situation in the Board of Ordnance, to explain some acts of the Master General, who was not a Member of this House. I immediately decided upon selling those shares. The 8th was Sunday; on Monday, the 9th, I disposed of the forty shares; and I acted solely on the principle that, should I be called on to give evidence or to take part in a debate in this House, I might do so without the slightest bias, even if it be possible that the small amount of forty shares should bias any gentleman. The sale of these forty shares had no reference, no, not in the remotest degree, to the position I held as a member of the Board. There is a paragraph in the Report worded with extreme severity against me, although I bow to the decision of the Committee. In that paragraph, it states that the progress of the North Kent Bill depended upon the consent of the Board of Ordnance. Of course I am sensible this was the impression then made; but I can assure the House that it is entirely and totally inconsistent with the mode in which public business is carried on in that Department; for the Board has no power whatever in such matters, either in the negative or the affirmative; it is solely in the Master General's hands: the decision and the consent rest with him, the acts of the Board being ministerial only. If there should be any doubt about what I now state, I think the evidence of the Master General of the Ordnance, and of my gallant Friend the Surveyor General, should be brought forward; and I will undertake to say that both will corroborate every word I have uttered; and in that case the paragraph should not have been inserted. However, there is the paragraph; and I am not ashamed to own it deeply affected me; and the more I reflected upon it, the deeper was the wound. I ask the House, with such a paragraph published to the world, what course was open to me but one dictated by an honourable pride—and that was, to place in the hands of the right hon. Baronet the First Lord of the Treasury the resignation of my office as Clerk of the Ordnance? In the letter I then wrote, I thought it my duty to state the only ground which actuated me. The words I used were to this effect:—"It is with reference solely to the impaired degree of usefulness to the Government and to the public service which might arise out of the temporary impression made by recent proceed-

ings that I act, but under the most clear conviction and perfect consciousness of the utter groundlessness of any imputations which may be attempted to be thrown upon my character, either in private or public capacity." This is all I have to say. I shall conclude by thanking the House for their kind and patient attention, and I trust that no word has been uttered by me to give offence to any one.

Mr. *Hawes* asked the right hon. Baronet the Secretary of State for the Home Department, whether he considered with respect to Mr. Wray that the object of the Report of the Committee had been accomplished?

Sir *J. Graham:* Since the Report of the Committee to which the hon. Gentleman refers, and of which he was the Chairman, was presented to the House, I have thought it my official duty carefully to consider the evidence, and, upon mature reflection, considering that the transaction in which Mr. Wray was involved took place as far back as 1836—that it was not immediately connected with the subject-matter which gave rise to the inquiry, and also weighing the terms of the Report, in which the expression is used, that Mr. Wray's conduct, in the opinion of the Committee, was deserving of serious animadversion, I thought, that upon the whole, I should best discharge the duty of my office by putting on record a public letter addressed to Mr. Wray, in which I animadverted strongly on the conduct of Mr. Wray in the year 1836. It should be observed in justice to Mr. Wray, that at that time, with reference to the terms under which he exercised the function of Receiver, it was open to him to employ himself in another business. Since that time the additional labour which has devolved on Mr. Wray is considerable, involving also some augmentation of his salary; and prospectively, therefore, I have enjoined on Mr. Wray the paramount necessity of devoting his time exclusively to the business of the office; and I have told Mr. Wray that any employment undertaken by him, not immediately connected with those duties, will, in my opinion, be the ground of his immediate removal. I can assure the House I have considered this matter dispassionately, and in my humble judgment the letter I have written meets the full justice of the case.

Mr. *Hawes* asked whether the right hon. Baronet would have any objection to produce the letter?

Sir *J. Graham* said, that although on ordinary occasions he did not think it advisable to notice the terms in which the Secretary of State was under the painful necessity of reprehending a public officer, yet, considering all the circumstances of the present case, he was prepared to lay the letter on the Table.

Mr. *Roebuck* observed, that he learned from the right hon. Baronet that, on the appointment of Mr. Wray, it was understood he might employ himself as a barrister, or, in other words, that he was not to withdraw from Westminster Hall. He wanted to know whether that was considered by the right hon. Gentleman as any palliation of the proceedings of a gentleman who did not confine himself to Westminster Hall, in the proper discharge of his duty as a barrister, but employed himself in the business of canvassing for votes for the private purposes of the South Eastern Railway?

Sir *J. Graham* readily agreed that the permission given to Mr. Wray to employ himself as a barrister was no palliation for the circumstance to which the hon. Gentleman referred; but admitting that such conduct was indefensible, he thought that, considering the lapse of time, and other circumstances to which he had adverted, and not wishing to act with undue severity, the letter he had written would meet the justice of the case.

Mr. *Ward* wished to say a few words in justice to a gentleman who had not the advantage of making any observations on his own case, and with whom he had been on intimate terms for many years. He did not defend that portion of his conduct for which he had received the censure of the right hon. Baronet, and he had told him so himself; for he thought nothing could justify a transfer of shares by a gentleman who held an official situation for services rendered in a Committee of the House; but, in justice to Mr. Wray and Mr. Bonham, the House must recollect how disgraceful was the constitution of Committees a few years since, how impossible it was for any person having a Bill to get through the House to have a chance of obtaining attention to the facts of the case, unless some person of influence and standing lent his name and took charge of the Bill, which he understood was the position in which Mr. Bonham stood; and as to canvassing, he told his hon. Friend near him, when he first saw the Report, that it was useless to pretend to impracticable purity. He held it to be impossible ever

to procure attention to the facts of the case, if the Report of the Committee was to be acted upon. Hon. Members were all canvassed. His hon. Friend, who was largely connected with the railway madness, must be constantly in the habit of being canvassed. [Mr. *Hawes:* I am not connected with any railway, nor do I hold shares of any kind whatever]. His hon. Friend must be canvassed at times. It was impossible that he should not be so. What he understood by the word "canvassing" was attempting to induce a Member to come down and pay attention to the question before them. What hon. Member had always nerve enough to say no? He had not the slightest wish to extenuate the conduct of Mr. Wray; but he begged leave to remind the House that in 1836 a very different system prevailed in regard to Committees from that which was now in force. He recollected very well being on a Committee which was presided over by a noble Lord who had done much to improve the manner of conducting the private business of the House (Lord G. Somerset); it sat a long time, he believed forty days, and he was canvassed to go down to give his vote. He refused, on the ground that he had not heard one word of the evidence; but it was asked whether he would give his vote if twenty-six Members were pointed out in the Committee-room, not one of whom had ever been there before, and who were prepared to vote? The twenty-six Members were pointed out to him, they having been marshalled by the Duke of Buckingham. He then gave his vote, and assisted the noble Lord to maintain his Report. There was another point on which Mr. Wray had cruelly misrepresented himself. It was in that part of his evidence wherein he stated that he had acted as umpire between the South Eastern Company and Lord Strangford. Upon inquiry, he found that the fact was not so, and that, in that case, Mr. Wray acted as the agent for the railway, and not in the capacity of umpire at all.

Lord *John Russell:* I heard with considerable surprise what has been stated by my hon. Friend, and I am hardly less surprised at the conduct of the Government with respect to Mr. Wray. I confess I am surprised at what I have now heard, that in 1836 the constitution of this House was so deficient that it was necessary to pay a Gentleman who was appointed on a Committee the sum of 300*l.* for attending and giving his vote—for that is the effect of the statement which has been made in this House in defence of Mr. Wray. I have read the evidence relating to that occurrence, which, it is true, took place in 1836; and if that is a reason for keeping this gentleman in the public service, I do not see why it should not be a reason also for keeping Mr. Bonham in the public service, for what has happened most to affect his character took place in 1836. It was stated that Mr. Wray was employed as a barrister to promote the interest of the South Eastern Railway in 1836, and that, after the Bill passed, the Company thought fit to show their gratitude to Mr. Bonham, who had acted, in reference to that Bill, in his capacity as a Member of Parliament, and had voted in that capacity. The Committee had a reserved fund of 100 shares, and it was agreed accordingly to give those shares to Mr. Bonham; but he did not incur any risk of the market by these shares, as it appeared, from an answer of Mr. Wray to Mr. Duncombe, that Mr. Bonham never saw the shares. There was a profit of 3*l.* per share, and this amounted, on the 100 shares to 300*l.* which were paid over to Mr. Bonham. Now I consider that a culpable transaction on the part of Mr. Bonham, but not less culpable on the part of Mr. Wray, who knew well that he was giving those shares to Mr. Bonham in consequence of his conduct as a Member of Parliament. If this be passed over with a slight reprimand to Mr. Wray, I cannot understand the distinction between that conduct and 300*l.* given by the Secretary of the Treasury to any Member of Parliament in consequence of his vote. The Bill on which Mr. Bonham voted was part of the legislative business of the House; and we should take care that the interests of the public in such matters are properly attended to. That Gentlemen should, in 1836, have come down to this House, and have voted on Bills which they knew nothing about, was a very great abuse; but it does not diminish the evil of giving 300*l.* to a Member of Parliament in consequence of the course which he took in this House. It appears to me, as Mr. Hignett has been dismissed, which was the proper course, and as the resignations of Captain Boldero and Mr. Bonham have been accepted, that a different course should not have been pursued with respect to Mr. Wray.

Mr. *Ward* said, that the noble Lord had cruelly misrepresented him. He said distinctly that no word could be too strong to

express the feeling of reprehension with which he regarded the interference with any man in the discharge of his official duty; and he added, that the only excuse or palliation which could be given was the constitution of private Committees at that time.

Sir *James Graham* felt it necessary to say two or three words, in consequence of what had fallen from the noble Lord opposite. He had never, since he came into the Home Office, had any personal communication with Mr. Wray, who was personally unknown to him, and towards whom he had but acted judicially. He looked at the Report of the Committee, and weighed carefully the precise expressions which were applied to his conduct, namely, that it was deserving of "severe animadversion;" and in writing the letter to Mr. Wray he had acted solely on his own responsibility, exercising, to the best of his judgment, a dispassionate consideration of the facts; and whatever he had urged, he rejoiced was urged at the side of lenity. He hoped the House would pause until they saw the letter which he had written. It was a letter which contained "severe animadversion," and if it was the pleasure of the House to take any ulterior course, it would be a subject of future discussion, subsequently to the production of the letter.

Colonel *Sibthorp* had already expressed his opinion of the advantage which would arise from calling on every Member to state whether he possessed railway shares or whether he did not. For his part, although he had not been asked to serve on any Railway Committee, yet he was ready to go to the bar of the House and swear that he had no interest, directly or indirectly, in railways. Let all Members be examined—let them all make such a statement, and then they might have what they might call something like a pure House of Commons. It was his opinion, however, that as at present constituted, instead of being a reformed and purified House, it was more muddy and dirty than ever.

Mr. *French* considered that the House was perfectly correct in watching with a jealous eye the conduct of those to whom it delegated its authority. He would state this generally, as it appeared to him that it should not be limited in its application to parties only who had been mixed up in pecuniary transactions; there were other still graver delinquencies than any that had been alluded to that evening. Could the House for a moment conceive the person who had been selected in this or the other House of Parliament as a Judge, placing himself in secret communication with the agent of one of the parties, receiving and acting upon the information he acquired in this manner from the individual who had been selected to get up the opposition to the case which he had been appointed to try—browbeating every witness brought up by those who were defending themselves—having the indecency in a railroad case to demand "were their shares at a premium?" and being answered in the affirmative, declaring that "he would have them speedily at a discount!"—and ultimately suppressing the evidence which disproved the case he was anxious to establish? Would not the case be worse if this individual had occupied a high legal station? Perhaps they would tell him that conduct such as this can only be accounted for by the individual being fitter for being placed as an inmate in a large establishment on the other side of the water, than for occupying a seat in either House of Parliament. Conceive a company placing before him every document in their possession in reference to the case—the minute book of all their proceedings, their banker's accounts, showing all their money transactions, and into which they courted an investigation—tendering their chairman for examination, whom he refused to call, but behind his back basely attempted to calumniate—asking "had he ever been a candidate for a lucrative employment in a rival railway?" Possibly such a question should be regarded with contempt, as coming from one who had shown himself incapable of either thinking, acting, or speaking as a gentleman; but as he (Mr. French) was the person about whom that question was put, and feeling that, were there the slightest foundation for that base and dastardly insinuation, he should be unworthy of a place in that House, he had deemed it his duty to call attention to the fact. The individual about whose conduct he had spoken (and he was prepared to establish every statement he had made) was Lord Brougham and Vaux! and the case was the Dublin and Galway Railway.

The following Motion made by Mr. *Hawes* was then agreed to:—

"An Address for Copy of the Letter addressed by the Secretary of State for the Home Department to Mr. Wray, the Receiver General of Metropolitan Police, in consequence of the Report of a Committee of this House

upon the South Eastern Railway Company's Petition; and, also a Copy of the appointment of Mr. Wray to the office he holds."

NEW ZEALAND.] Mr. *Ward* having presented a Petition from the New Zealand Company, relative to the state of that Colony,

Mr. *C. Buller* rose, and said: Sir, I entirely concur in the feeling which is expressed in the petition that has just been presented to you from the New Zealand Company; for I felt that it would not be necessary for any one on behalf of the New Zealand Company to bring the question again before the House during this Session; and if I do so on the present occasion, I hope the House will do me the justice to believe that I do it solely from a feeling of a strong necessity for such a course. I may state at once that it is not my desire to trespass on the attention of the House to the same extent as on a former occasion, for the subject-matter of discussion is not such as could justify me in thus trespassing on the House. The facts to which I am about to direct attention are few, but they are of great importance; and as it is not necessary to resume my former statement, I will take up the story where I ended on the former occasion, namely, the 20th of June last, and proceed to put the House in possession of the intelligence which has arrived in this country from New Zealand since that debate, and call attention to what has since been going on in this country relative to the affairs of that Colony. The newspapers and the Papers which have been laid before the House have put Members in possession of the startling intelligence which has arrived from New Zealand since the affairs of that Colony were last discussed; and I am sure that every Gentleman on both sides of the House, who has read those accounts, must feel the deepest commiseration for the past, and the gravest apprehension for the future. Those events were inevitable in their occurrence. They were predicted by all those conversant with the condition and the affairs of New Zealand for the last three years. They are events which were predicted by my noble Friend, whose loss, a deplorable event, [the death of Earl Grey, who expired on July 17th,] which we all regret, has caused—I mean Lord Howick. That noble Lord showed to this House that the circumstances which had occurred in New Zealand, and the policy which had been pursued by the Government towards that Colony, had the inevitable tendency to produce those results; but neither he nor any one in this House could have imagined that those proceedings would have taken place with such promptitude as that which had characterized their occurrence. The Under Secretary for the Colonies gave such an account of these transactions in this House as tended rather to allay the feelings of those who heard him, than to give an idea of the fact that there is a formidable insurrection in New Zealand—an insurrection founded on no new discontent, but on an established hostility to the British Government in New Zealand. That that insurrection will be successful, as far as our present intelligence goes, there can be but little doubt. It cannot be said that, in this matter, the Government has been taken by surprise. The present contest was commenced, in a manner, by themselves, at any rate they had full warning of its approach. Due notice was given that the attack, which has since taken place, was to be made. The Government thereupon sent the best means at their disposal to meet the threatened attack. What has been the result? All the available force of the Government has been completely routed. The most ancient settlement that Englishmen and Europeans had ever established in that quarter of the world, has been swept from the face of the earth. The ancient settlement of the Bay of Islands has fallen into the possession of the savages, and has been pillaged from one end to the other, and every human habi tation which it contained has been destroyed and razed to the ground. It would be well if we could say that the recent news from New Zealand justifies us in anticipating that the mischief is to end here: I much fear that we shall find that the successful attack upon the Bay of Islands is but the commencement of a regular war to be henceforth carried on between the two races in New Zealand. The chief who was the leader in the late insurrection, and to whom I must do the justice to say that he has carried on the war in a spirit more approximating to chivalry than we are accustomed to meet with in the warfare of uncivilized people, has given notice that his next attack will be upon the seat of Government, and

that he means fixing the very day—perhaps from a delight in straightforward dealing, and perhaps from the old stratagem of Agesilaus, that you can always deceive an enemy by telling him what you really mean to do—to make Auckland the point of his next attack. From this determination there is every reason to anticipate the greatest disasters. The chief in question has managed to take advantage of the discontents excited by the policy of the Government, and he has commenced his hostile proceedings by declaring that the war upon which he has embarked is a war against the Government alone, and not against the settlers. I will here call the attention of the House to a letter recently received from New Zealand, written by a gentleman of the name of Cormack, and which contains very important information. The letter says, that the native chiefs declare that the war is with the Government and not with the settlers, and that they plundered no house until the Europeans had all evacuated them. Heki declared that it never was his intention to disturb the settlers; on the contrary, that it was his desire to protect them. In addition to this, I will call attention to what I deem a very significant fact. It was supposed that after the affair at Kororarika the natives, in the general pillage which ensued, had spared all the missionary establishments and churches. Such was stated by the hon. Gentleman opposite; but I find that he was incorrect in the universality of that remark. This letter states that the establishment of the French missionaries was the only one which was left standing. I do not wish to draw any invidious comparisons between the French missionaries and those who were known to the natives as having made the most active efforts in getting possession of land, it being the honoured distinction of the Catholic clergy in those islands that not one of their body has participated in these efforts, or taken possession of any land. Those who have done so are considered, and very naturally, as forming a part of that Government with which they seem to take an identical policy, and the effect of that policy has been to deprive them of all hold over the minds of the natives, and to induce the natives to regard them as either members of, or in some way, at least, connected with, the Government. Let us now see what is the state of things at the Government settlement. How are they prepared to meet this state of things? By a letter dated the 28th of March, it appears that the state of things there, at present, is shocking to contemplate. The place is full of vagabonds, most of whom are runaway convicts from Botany Bay. The white savage is worse than the brown. The streets are full, day and night, of drunken men, soldiers, sailors, and "Parkhurst boys." This is an evil arising from a distinct breach of faith on the part of the Government towards the colonists. A pledge was given that no convicts should be sent to New Zealand. It was said that it was to be spared the character of a penal Colony. But the Government, in spite of that pledge, has sent out a number of convicts from Parkhurst, with the intention, after planting them in New Zealand, of granting them a free pardon. The Government have thus done all the mischief of introducing a convict population into the Colony. Ever since these convicts have been in New Zealand, there has been but one account of the mischief which they have occasioned, of the depredations which they have carried on, and of the pernicious influence which they have exercised over the natives. It is now owing to this conduct on the part of the Government that you have Auckland in that state of alarm which this lawless, troublesome, and immoral population has occasioned, a population which creates greater terror in the minds of the settlers than the natives themselves. There is a total absence of all magisterial authority, and it almost seemed as if orders had been given to permit this state of things to take place and continue. Such was at present, from authentic accounts, the condition of Auckland. The chief Heki is advancing with his tribe, and the horde who plundered Kororarika is now advancing upon Auckland. The amount of property which fell at the former place into the hands of the savages is stated at from thirty to forty thousand pounds. This will be held out as a strong inducement to other tribes to join in the hostile movement. The friendly tribes have been called around Auckland; but, by the last accounts, the Governor was represented as full of apprehension at the presence of these tribes, because, if they enable him to succeed in repelling Heki, they may afterwards become masters of New Zealand. Just conceive the effect

of the victorious chief, coming from the north, flushed with his success, and laden with booty, and telling these friendly tribes that, if they plunder Auckland, they will get similar booty for themselves. Such is the state of things now existing in the Government settlement, which is to be avowedly the next object of attack. Let us now turn to the settlements in another part of the island. In the petition which has been presented to this House from the colonists, it is stated that there are in the settlements at Cook's Straits no less than 12,000 settlers, who carried out with them no less than 2,000,000*l.* of capital, which they have invested in the Colony. The New Zealand Company has, besides, expended no less than 600,000*l.* to protect these settlers and this mass of property. What has the Government done? They have called away the greater part of the force which was stationed there to protect both settlers and property, in order to protect Auckland. The principal protection afforded to the settlement of Wellington was the ship *Hazard*, and a very efficient protection, too, for a naval town. That vessel has been ordered off to Auckland. The sole protection now left is about fifty soldiers, to protect a population of from 4,000 to 6,000 people, numbers of them scattered at considerable distances from each other, against the mass of the natives on the spot, amounting to no less than 8,000, and counting amongst these from 1,500 to 1,600 fighting men. This is the force which the Government has reserved. In another settlement, containing from 2,000 to 3,000 people, there is not a single soldier or sailor. The inhabitants have to depend entirely upon themselves. The settlement, which is, perhaps, the worst off of all, is New Plymouth. This settlement contains about 1,000 people, the greater part of them being honest agriculturists and mechanics from my own part of the country—from the south-west of England, and who were taken out thither by the Company, which afterwards merged into the New Zealand Company. This settlement is the nearest to Auckland; but between the two points are to be found the most formidable tribes in New Zealand. This settlement has no fortifications. There is not a soldier, not a marine, not a sailor there to protect the settlers. Now, is this a war which these settlers have brought upon themselves? Can you say that they have been the cause of the mischief? Why, the war has arisen in another part of the island. It is no quarrel of theirs. Indeed, I must say that this whole unfortunate war has arisen in the northern part of the island; and, after all, it involves no material object of any importance to the settlers, for none of the objects in respect of which the welfare of the Colony is at stake are involved in this war. It is not undertaken to give the settlers access to their lands. Were it carried on to punish such monsters as Rauperaha and Rangiheata—were it carried on to exact retribution for the murder of our countrymen, that would have been of itself a legitimate and justifiable object. But with whom has the war, in fact, originated? It was commenced with a chief who has exhibited, throughout the whole transaction, no feeling, no desire to create a war, on account of his own personal interests, whose feelings are all founded upon a rude desire of independence, and who has carried on the war in a spirit of chivalry which would have done honour to Europeans, and exhibited something of European refinement in his mode of warfare—an expression which, by the by, I must qualify—for he has exhibited a degree of refinement which, I regret to find, is not manifested in these days by every European nation. It against this chief that your hostilities are now carried on, and this too, not to enforce the possession of land, but from a wretched quarrel about a flagstaff, which he has again cut down, because, on the last occasion on which he did so, Governor Fitzroy, instead of punishing, rewarded him, by abolishing all customs' dues in that part of the island. I cannot view these matters as attributable to anything but the direct agency of the policy of the Government; and I must say, that I have seen with amazement certain assertions made by Lord Stanley, that all our difficulties in New Zealand have arisen out of the conflicting engagements entered into by the Company on the one hand, and the Treaty of Waitangi on the other. This, too, was said by the noble Lord, after the last debate upon this subject, a great part of which debate turned upon the mischiefs going on in certain parts of the island in which the Company has never set its foot, and in which it does not possess an acre of territory; in fact, in a part of the island fully 600 miles from the settlements of

the Company. He said this, too, after a rumour had actually reached this country of the awful catastrophe which has taken place in the Bay of Islands. Neither he nor any one else can charge this upon the New Zealand Company, who had no hand whatever in originating this great mischief. What are the opinions of persons competent to judge in respect of these outrages? Mr. Busby, who is not very favourable to the Company, says that the whole of Heki's insurrection originally arose out of the land question, and from the natives not understanding the mode in which the Government sought to deal with their land. This was stated to be the foundation of the whole mischief. In addition to this, is there no other part of the policy of the Government which has led directly to these results? What instigates Heki to the outrages committed by him? He has been instigated thereto by impunity for his previous outrages—by the reward for those outrages which he actually received. The result of the last outrage which he committed was, that the Governor went to the Bay of Islands, pretended to take a nominal revenge, and proceeded forthwith to abolish the customs. Has nothing resulted, too, from the impunity with which outrage was visited in other parts of the islands? It is notorious that many chiefs in the island held up the impunity of Rauperaha for the massacre at Wairau as an inducement for their tribes to follow the example thus set them; and asking why, if Rauperaha killed the Europeans with impunity in the south, they should not do the same in the north? Mr. George Clarke said, and he is an authority to whom the hon. Baronet the Member for the University of Oxford (Sir R. Inglis) will defer, that among the natives of the north there was a very strong feeling of dislike, disgust, and contempt entertained towards the Government, and that the most calamitous results might follow from this, unless measures were rapidly taken to check them. What circumstances have more particularly contributed to the danger of Auckland? Why have disputes broken out there? Was not the cause stated in the last debate upon this subject? Is anybody responsible for this state of things but the Government? Who placed Auckland in the north? Who placed it the seat of government, where there was the smallest proportion of white men to protect themselves? Who placed it, so circumstanced, amongst the strongest and most populous of the native tribes, and at last brought the two races into collision with each other? The Government—and the Government alone—are responsible for the present danger of Auckland. Who left it defenceless? Governor Fitzroy, to be sure, in refusing to embody the militia after the first outrages had been perpetrated. He and his Council then deliberated upon the instructions sent out by Lord Stanley as to the embodying of the militia for the defence of the place. The result of their deliberation was, that they determined to disregard and repudiate the orders in this respect of successive Secretaries of State, and refrained from embodying the militia for fear of alarming the natives. Here, then, was the result. From fear of alarming the natives, you have placed yourselves absolutely at their mercy. But I am not inclined to do injustice to Captain Fitzroy. He is recalled—I do not wish to have him made the scapegoat for the offences of others. What are the charges which he brings against the Government? He is now defenceless, but it is not his own fault only. He sent to the Government for additional forces, to meet what he conceived to be the exigency of the place. Have his despatches, which contained this request, been all laid before us? [Mr. *G. W. Hope*: Every one.] What has not been laid before us, then, is the defence of the Government. I allude to the despatches sent long before the collision, in which he states that, from the first, he has actually been endeavouring to impress upon the Government a sense of the necessity of protecting the settlements by an additional force, and that, up to the month of May or June, the Government never took a single step to send him this additional force. The mischiefs which have ensued are, therefore, greatly attributable to the policy of the Government, and not to Captain Fitzroy alone. Lord Stanley is, in a great measure, responsible for them all. He must not shift the responsibility from himself to the Governor, whose acts and policy he entirely approves of. [Mr. *G. W. Hope* dissented.] It is true that Lord Stanley disapproved of the violation on the part of the Governor of his instructions in regard to debentures; but have the Government disapproved of any other portion of his conduct?

In reference to the whole system of policy which engendered the fatal dissensions of which we have now to complain, have they done anything to put an end to that policy and its evil fruits? There never has been in the history of the whole Colonial Department a Governor who, generally speaking, had to such an extent the cordial approbation of the Department, as Captain Fitzroy has received from Lord Stanley. If we look at the despatches which passed from the noble Lord to his Lieutenant in New Zealand, we find that it is always "You and I," as if he and Captain Fitzroy were perfectly agreed. Of the policy which has been pursued in New Zealand, and of all its fruits, Lord Stanley must bear the full responsibility. What, let me again ask, have been its results? You have brought about the greatest and the most horrible calamity which you could possibly inflict upon the Colony—a determined and a regular war of races. Don't believe that this evil is to be evanescent. If you do send out a force now, and put the natives down by dint of your superior skill and discipline, you do not even then repress the insurrection; you do not extinguish the alienation of the natives; you do not repress the desire for revenge, which you have been so instrumental yourselves in kindling in their bosoms; you do not extirpate the animosity which you have created between the white man and the brown, the feud of blood, the war of races, which, I fear will now last as long as differences of colour enables the two races to be distingushed from each other. I am free to admit that it is frequently the custom of the Opposition to attribute events like those which have recently occurred in New Zealand, to the bad policy and imbecile administration of the Government to which they are opposed. But I ask any candid man to look at the policy which has been pursued in New Zealand, and at its necessary results, and then say whether there can be a doubt that the whole of these results might not have been averted by a display of greater wisdom and firmness on the part of the Government, and whether the disasters which have overtaken the Colony are not attributable to the ruinous and unwise policy which the Government have thought proper to pursue. But to turn from the evils which have been effected, let us now come to what is a far more important question at present—the remedy which is to be applied. What hope have we that any effectual remedy will be applied, or is about to be applied by the Government? I find no satisfaction in Captain Fitzroy's being made the scape-goat—no satisfaction simply in his being recalled. What I want is, a satisfactory proof of your determination to pursue a different and a better course then hitherto. You have now punished Captain Fitzroy. What have you done though to the subordinates, by whom the whole mischief has, in fact, been in a great measure superinduced; that is to say, what has been done to those in power, who, under the Government, have been helping in their unfortunate policy? We have not heard of one single subordinate being reprimanded. Although the Colonial Secretary was obliged to disapprove of their conduct in more than one instance, not one of them has been reprimanded. The last fact which has come to light in reference to them is, that Mr. Shortland has, in reward of his services in New Zealand, been thought worthy of being made Governor of one of the West India islands. There was one circumstance which, up to a recent period, did give me hope: it was the tone assumed by the Government in the late debate upon New Zealand, and the promises then lavishly made of an altered and improved policy for the future. It is not to the particular words then used that I attach importance, but to the general tone of the speeches then delivered, and especially to that of the speech of the right hon. Baronet (Sir R. Peel). When he came forward, as he did on that occasion, and stated his views of that policy, I did think them so entirely in accordance with his own good feelings and judgment, that I was bound to believe him perfectly sincere, not only in his expressions, as indicating his opinions at the time, but in his avowed intentions to give full effect to his feelings and views. I now want to ask the House what effect has been given to them? The immediate effect of the division on that occasion was very visible. I was myself at the moment severely reproached by an hon. Friend, and by others, who perfectly agreed with me upon the general question, for going to a division at all. I was told that so doing was pushing a Government, who were really willing to do right, rather too hard; that it was compromising the interests of the Colony to divide, after the Government had given all that wa

wanted in their liberal and numerous promises. I know, too, that there were several Gentlemen on the other side of the House whose votes were materially affected by these promises. I have seen statements from more than one, to the effect that they would then have voted with us, if they had not trusted to the assurances of the right hon. Baronet—if they had not relied on those assurances being carried into effect. We had no choice, after these, but to enter into further negotiation with the Government. It was said by some that the Company were wrong in so doing; but what would have been thought of us if, after such assurances from the head of the Government, we had refused to enter into negotiation with the Government; while it would have been held by many that we were endangering the welfare of the Colony and of all the settlers, from private pique and resentment, had we refrained from such further negotiation? Public opinion compelled us to negotiate. And what is the result? I have seen it in the Papers before the House, and it has, in fact, been communicated by Lord Stanley, in the shape of instructions given to the new Governor. What I complain of in the first instance is, that with the fate of the Colony in the scales, you do nothing to set it right and appease the alarm of the people interested in its fate; you give them, in fact, no more stable assurance than your instructions to your new Governor. What is the real worth of them? You make laws, and your Colonial Governor generally obey them, although in more instances than one, Governor Fitzroy did not even do that. The law has some force even in the Colonial Office; but it is, in too many cases, disregarded by your Governors. This is stated in the petition which has recently been presented from the Settlements, which has been printed, and is now in the hands of hon. Members. From that petition the House will excuse me if I read a few lines:—

"With regard to the alleged responsibility of the officers of Government in New Zealand to the Colonial Office in London, your petitioners would observe that, in the history of this Colony, nothing is more remarkable than the disregard by the local authorities of the instructions which they received from the Secretary of State. The cases of specific disobedience are numerous and important; but that which has led the colonists to despair of the efficacy of instructions from Downing-street, is abundant evidence of an habitual feeling among persons in office in the Colony, that instructions coming from so great a distance may generally be evaded, or totally disregarded, with impunity. On comparing Lord John Russell's admirable body of instructions to the first Governor, dated 9th December, 1840, with the whole of His Excellency's proceedings, it becomes manifest that the advice and commands of the Secretary of State made no more impression on the authorities of the Colony than if they had never been written: that in no one instance were they observed; and that in very many the conduct of the local Government was precisely opposite to the express words and whole tenor of thes aid body of instructions. And what is yet more deserving of remark, not only was this utter contempt of instructions visited by no punishment, but the Governor, whom everybody in the Colony knew to be labouring under disease which absolved him from personal responsibility, was kept in office, and continued to enjoy the confidence of the Colonial Office until the hour of his death. In like manner his subordinates, who really carried on the government in his name, have never been even reminded of Lord John Russell's instructions. The only persons upon whom the Colonial Office has cast any blame for the calamities which the disregard of those instructions has produced, are the suffering colonists and the ruined New Zealand Company; and, although Captain Fitzroy has indeed been recalled, there is every reason to believe that the confidence of the Colonial Office would still have been ostentatiously extended to him, if he had had sense enough to evade or otherwise to disregard, without defying, Lord Stanley's instructions."

In this case, what security have we for these instructions being of any effect? Observe the circumstances under which they have been issued. They have been issued to a gentleman of whom no intelligence has been had for the last five months, and who, you are not certain, is even now alive. But even if he be so, you do not yet know that Captain Grey will accept the new office, in lieu of the office of Governor of a Colony in which he has been so useful—that he will give up that office for that of Governor of New Zealand, with all its responsibility, with its wretched salary, and the fearful task of repairing the blunders of other men. I happen to know that some of Captain Grey's friends have expressed a strong opinion that it would, on his part, be highly imprudent were he to accept the government of New Zealand. These instructions, therefore, are issued to a Governor about whose acceptance of office you are not yet sure. In what state is the Colony now? Suppose

any miscarriage arises from this cause? You recalled Governor Fitzroy in April, and you sent out these instructions in July to Captain Grey. Suppose Captain Fitzroy resigns whenever he receives your instructions, into whose hands will the Colonial Government fall should Captain Grey not be on the spot to receive it, or should he refuse to accept the office you have proffered him? It will fall into the hands of the Colonial Secretary, of whom I can only say, that he has been a prominent participator in every one of Captain Fitzroy's blunders, in those especially for which you have recalled Captain Fitzroy—I mean Dr. Sinclair, whose speeches have certainly been the most absurd of any speeches ever delivered in that most absurd body, the Colonial Council, and whose education and qualifications are these—that until two or three years ago he never served in any other capacity than that of the surgeon of a ship. That is the gentleman into whose hands, under these circumstances, the government of the Colony will fall, to whose care will be entrusted for some time the duties of New Zealand. Suppose no miscarriage arises from any of these causes, I want to ask, are your instructions satisfactory, are they clear from ambiguity, are they sure of being made more effective than were your previous instructions? I now want to call attention particularly to an assurance which was given us in the last debate as to the government of the Colony. What is more important to us, than the settlement of our particular claims, is the giving a good government to the Colony. That must necessarily be the first object for us to study to attain, in seeking to discharge aright our responsibility to those whom we have been instrumental in sending thither. Until you have a system of government in the Colony which will guarantee them against the most absurd misgovernment, there will be no security for either property or colonists in New Zealand. On this all-important subject, nothing could be more satisfactory than was the language of the right hon. Baronet at the head of the Government. He then said—

"With respect to the future government of the Colony, I am, for one, strongly inclined to think that a representative government is suited for the condition of the people of that Colony. There is not the objection to it whichimght apply to a penal Colony. You have rescued New Zealand from the evils attendant on a penal settlement. I speak generally; but I think that the government of that Colony, in connexion with those who are immediately interested in its local prosperity, assigning to them due weight and influence in the administration of affairs, framed upon general principles, would be a form of government well calculated for New Zealand. In short, I cannot see what assignable interest you can have, except in the commercial and social prosperity of that country. The only possible ground of connexion that can exist will depend upon its being profitable. It is impossible that, at the distance at which we are, this country can seek any advantage in its connexion with New Zealand except reciprocal interests; and, above all, upon the local prosperity of the Colony."

And the right hon. Baronet continued:—

"At the same time it is impossible to apply the principle of a representative government to an island where the different settlements in the island are at such great distances from each other. The noble Lord says that he thinks Auckland was ill selected as the seat of Government. It might be so in some local respects; but I apprehend that, so far as military and naval considerations are concerned, Auckland possesses great recommendations. But this is one of those questions which must be influenced by local rather than general considerations. It is a point which cannot be determined upon by any other consideration than what may be most advantageous to the people. It is quite clear that, seeing how the settlers are spread over the Northern Island, it would be no easy matter to apply the principle of a representative government, according to the rule observed in more thickly populated countries. I believe that by far the best plan would be the formation of a municipal government with an extensive power of local taxation for local purposes — that this form, at all events, should be established in the first instance. I think you will find that, in the opinion of Mr. Burke, the formation of the Government in North America arose from these municipal institutions. In his speech to the sheriffs of Bristol, he says, these representative governments in North America grew up he knew not how. There they were. The people left this country with those feelings of pride and attachment to liberty which were the boast of the mother country. They began with municipal institutions; and distance, and absence, and the control of local circumstances increased them, and from small beginnings, into representative communities. This was the natural growth of these institutions. Those nations which have Colonies must expect this to be the ultimate result."

The right hon. Baronet says—

"Now I am strongly inclined to think that the germ of a representative government in a

Colony ought to be in these municipalities, widening their sphere by degrees, according as the land became settled and peopled. I doubt whether that would not be the safer mode, than that of establishing among so thin a population a representative government that would require the people of Auckland and of Wellington to meet together, separated as they are by such a great distance. That will be one of the subjects which will be referred to the consideration of the able man whom we have appointed to govern that Colony."

This was satisfactory, and we have a right to expect that the result of this statement will be that means should be taken for the establishment of municipal institutions in the Colony—of institutions exercising not merely the power of borough institutions in this country, but which should, in each locality, supply the place of a general representative body for the general purposes of government. If there be any meaning in the language of the right hon. Baronet, that was what he meant; and the colonists of New Zealand had a right to expect municipal institutions similar to those to which Mr. Burke referred as having existed in America, and possessing all the powers necessary for supplying the wants of Government which those small communities required. If this was not the interpretation of the right hon. Baronet's language, what did he mean by the phrase, "I think that the germ of a representative government in a Colony ought to be in their municipalities, widening their sphere by degrees, as the land became settled and peopled?" What was the meaning of this? Did it mean merely that they were to appoint mayors and aldermen, with the power to make regulations for paving and lighting, in a country where no such things were needed—where, in fact, there were no regular roads? Or did it mean that the institutions about to be established were to be like the old American institutions, to supply the place of larger and more general institutions? What he understood from the right hon. Baronet was, that the great difficulty was not the fitness of New Zealand for representative institutions, but that the widely scattered and divided state of the Colony rendered it extremely inconvenient, if not impossible, to carry on the government by means of a parliament meeting in any particular settlement. But is it possible to understand from the speech of the right hon. Baronet, that there is to be no change in the government of New Zealand at all? I am not unreasonable—I do not say that they should have based those new institutions upon the example of the House of Commons, or of any other legislative assembly. I should have been perfectly satisfied if they had been based on the principles of representative government, leaving the people in each locality to govern themselves, as suggested by the right hon. Baronet. This would have been sufficient to have secured a better system of government for the future; and something of this kind, from the statement of the right hon. Baronet, the people of New Zealand had a right to expect. But what did they get from the noble Secretary for the Colonies? The noble Lord, in his instructions to Governor Grey said—

"For these, among other reasons, I think the admission of the representative system is for the present impracticable."

This was Lord Stanley's mode of carrying out the right hon. Baronet's intentions. He says:—

"For these, among other reasons, I think the admission of the representative system is for the present impracticable; and I would, therefore, have you direct your attention and that of the colonists to the formation of local municipal bodies, with considerable powers of taxation for local purposes, and of making the necessary by-laws."

This meant, powers similar to those possessed by every borough town in England; that was, they were to have the power of making regulations for paving and lighting, and passing by-laws, "leaving," continues the noble Lord, "the more general powers of legislation vested in the Council, as at present constituted." And how is that Council constituted? It is composed of the Governor, of three officers removable at the pleasure of the Governor, and paid by the Governor, and of those persons nominated by the Governor removable at pleasure, and who are threatened with removal the moment they venture to vote against the Governor. This is the approach they are to have towards the representative system. Taken in connexion with the promises held out by the right hon. Baronet, what unmeaning language is that of the noble Lord's despatch containing those instructions to Captain Grey? What powers does it confer upon the colonists of self-government? It gives nothing but the power of paving and lighting. Is this a boon? They, the colonists, do not want it—the Nelson people

tell us that they do not require any such power; what they want is the fulfilment of the promises of the Government of representative government; and the way in which the Government, or rather the noble Lord (Lord Stanley) fulfils those promises, is to confer the powers of providing for paving and lighting on people who need nothing of the kind. How do the noble Lord's instructions tend to carry out the right hon. Baronet's promises? What guarantee have the colonists, that the Colony will be governed by good laws for the future—that there should be an effectual administration of justice, and the adoption of a sound policy as to the land titles in New Zealand? What security have they for the imposition of wise taxes, and the adoption of a sound and effectual fiscal system; or what guarantee have they against a repetition of the absurdities of unwise Governors—of such absurdities as have been committed by Governor Hobson, Governor Shortland, and Governor Fitzroy; and in what respect will such institutions as the noble Lord is about to establish, be the germ of representative institutions, or how will they pave the way for any representative institutions whatever? Contrast the promises of the right hon. Baronet with their fulfilment by Lord Stanley. The right hon. Baronet said New Zealand was in a fit condition for representative government; and the colonists should have it, as far as possible, under their peculiar circumstances, given to them.

"You cannot," said the right hon. Baronet, "have one parliament as we have in this country, but you should have several municipal institutions, which should answer the purpose of a parliament, and by which each locality should be governed."

And he carried on the analogy still further, by likening those institutions to the old institutions of the States of North America, one of which institutions was that which had been given by charter to Rhode Island; and by which, until within the last five years, it had been governed, though constituting one of the States of the Union. Lord Stanley, however, says, that New Zealand was not fit for representative government; but he says he will give local bodies to the Colony with power to make by-laws; but the general power of legislation is still to vest in the Council as before. What security have we for the fulfilment of the promises of the right hon. Baronet? Literally, none whatever. I will now proceed to another promise held out by the right hon. Baronet. It was admitted, on all hands, that it was most desirable that the disputes between the New Zealand Company and the Colonial Office, should be put an end to. With respect to the New Zealand Company, I must say, at once, I think it would be important to maintain that body in the full exercise of its powers, not mixing itself up in affairs of State, or exercising control, but as a great commercial company, acting on liberal principles, and lending its aid to the Government in devising means for emigration. I do not despair that that relation will be established between the Government and the New Zealand Company, and, without committing to that body any powers of administration, that it will subsist as a company for the future, acting in concert and harmony with the Government, as the great instrument for effecting emigration. Now, for the Company to be useful as an instrument for carrying on emigration, what was the first essential for the security of every colonist in New Zealand? Why, the settlement of the land claims. But on this point, they were left in the same position as before. After all their negotiations with Lord Stanley, the Company were in the same position as they were before these negotiations commenced, except in one particular, and so far as that was concerned they were rather in a worse condition. What the Company claimed was a grant of land, which they contended they were entitled to immediately on the making of the award of Mr. Pennethorn, and which they claimed under the agreement made with Lord John Russell. In 1843, the Company accepted, with much reluctance, and after having more than once refused them, the terms proposed by Lord Stanley, whereby they were to have a conditional title to their land, that title to be granted at once, without going to the Commissioners' court; but to be subject to whatever claim the natives or other persons might hereafter bring forward against them on account of such land. This, no doubt, was a much worse title than that which they had a right to look for under the agreement with Lord John Russell. It was undoubtedly less satisfactory than the title they claimed, but which they found they could not obtain.

It was quite clear that a title open to dispute by any one who could establish a prior right, was of less value in the market than one that was free from any such conditions. But the Company accepted that title, because circumstances induced them to place reliance on the good intentions of the Government, and because they thought that this reliance being shared in by the public, they would be enabled to effect their land sales, and proceed with the work of colonization; but, above all, because the Government complied with the condition he had named, this important one, that they would do their best to relieve the Company from the native claims, and to assist as far as they could in converting this conditional title into an absolute one. If the agreement had been fulfilled in February, 1844, the Company would have been enabled to carry on their land sales, and by the present time, the Government acting on good faith in removing the difficulties as to title, and carrying out their promise of assisting the Company in inducing the native claimants to accept compensation, the conditional title would have been converted into an absolute one. But another circumstance which made them unwilling to accept a conditional title, as proposed by Lord Stanley, instead of the one to which they were entitled under the previous agreement, was, that they had already an award from the Commissioners recognising their claims to the land, and with that award in their favour, it was hardly to be supposed that, in renewing their negotiations with the Colonial Office after the 20th of June, 1845, they would accept a nominal and conditional title for that which by the award they were entitled to without any such condition. It was quite clear if they had in 1845 accepted a mere nominal title, it would have been no fulfilment of the agreement of 1843, and that it would have been much better for the Company to have stood upon Lord Stanley's own interpretation of Lord John Russell's instructions. This matter had been fully discussed by the New Zealand Company before they entered into communication with Lord Stanley; and it was distinctly understood by the deputation who waited upon the noble Lord, that they were not at liberty to treat upon the basis of any conditional title. In the course of the interview, Lord Stanley's attention was called to the subject of the awards. They urged that Lord Stanley had put in a condition which had never before been heard of in the whole course of the controversy—a condition which must destroy any advantage that might else arise; for the noble Lord insisted that not only should there be an award in favour of the Company by the Commissioners, but that that award must be accepted by the natives, and that they were to be satisfied with the compensation awarded to them; that was to say, that the decision of the judge was only to have effect when it was satisfactory to both parties. That was the effect of the instructions of Lord Stanley as to the land which had been awarded to the Company without condition a year ago. This condition, however, only attached to one-third of the Company's land. And with regard to the other two-thirds, what did Lord Stanley offer? Merely the conditional title of May, 1843. And how was that offer made? Not a word was said to the deputation about it. He looked through the minutes of the negotiations between the Directors and Lord Stanley, and could find not one word about this conditional title mentioned from beginning to end. Lord Stanley says, he shows the Directors the instructions he has given to the Governor of New Zealand as to the land titles; but in those instructions, which were those of the 7th of July, there was not one word said about the conditional title. Everything turned upon the award; they never heard one word about the conditional title until the mail had gone out—until the instructions had been forwarded, and the negotiations between the Company and the noble Lord had been put an end to; and then it was that they for the first time heard of the instructions of the 27th of June, directing Captain Grey to give only a conditional title. What was this but the old story over again—that was, of one set of instructions shown before the despatches were sent out, and another afterwards. He wished not to be understood as making any charge of bad faith against the Government, for it was clear nothing could be gained by faith in these respects, except, perhaps, to avoid an inconvenient discussion; but, nevertheless, it was a very great hardship upon the Company that instructions were sent out upon a most important point in regard to their interests, of which they had no knowledge until it was too late to make

any representation or remonstrance against them, and after those parties who had waited on Lord Stanley on behalf of the Company, had been told that the instructions shown to them were all that were to be sent out. The Company thought they were communicating unreservedly with Lord Stanley (for that was the phrase used by the noble Lord); they were led to believe that all the instructions were shown to them. And though I do not impute bad faith—though I am willing to believe that this arose from carelessness or mistake—that if bad faith had been intended, the Company could not have been placed in a worse position than they are, in consequence of that carelessness and mistake. And I say further, that this was a mistake which ought not to occur on the part of an important public Department twice on the same subject in two successive years. The former discussions in this House should have made Lord Stanley more cautious; and I say, that a person who repeatedly manage the business of a great public Department in so loose and careless a manner, is not fit to conduct satisfactorily the Colonial Department of the Government of this country. I must refer to another point, as showing the spirit in which the noble Lord has carried on the controversy, while the Company were indulging in the hope that both parties might now join in settling the question at issue, and put an end to the disputes which had unfortunately so long existed between the Colonial Office and the Company. In the minutes of the interview with Lord Stanley, I perceive a determination, on the part of the noble Lord, to deny the claims—the most obvious claims of the Company. In these minutes is this passage:—

"Reference having been made in these discussions to the additional payments required from the Company, either by the awards of the Commissioner of the Court of Claims, or by directions of the Governor, the deputation incidentally remarked, that as a matter of course, the Company would, in consideration of all such payments, be entitled to land at the rate mentioned in the agreement of November, 1840—namely, four acres for every pound sterling; and that a similar claim would arise in respect to all payments for purchases of land required to be made for the fulfilment of that agreement. Lord Stanley expressed some surprise at this claim, and intimated that he was not then prepared to admit its validity."

Now, a more reasonable claim could not have been made. The original agreement was, that the Company should be entitled to four acres of land for every pound expended by them; that was the condition as contained in the original draft of the agreement. But the Company said, you must not limit us to what we have actually expended; for there are many expenses which we are liable to, and much more money will be expended; and the agreement was ultimately made to the effect, that, in consideration of this liability, the Company should be entitled to four acres of land for every pound they had expended on the Colony, or were liable to expend; and he could not conceive any more distinct and actual liability than the money they were called upon to pay on account of compensation to the natives. I find in a letter of the 24th of August, this question distinctly put to the Commissioner by Mr. Wakefield. He asked whether it were intended to recommend a further allotment of land to the Company, and upon the same terms of four acres for every pound expended, on account of the further compensation which they were required by the awards to pay to the native claimants? And the answer of the Commissioner was most distinct—that he did intend to recommend that a proportionate quantity of land should be awarded to the Company upon the terms stated, for the money so paid. This was in the letter of Commissioner Spain, of the 24th of August, 1842. I refer to this, not because the amount is great—I believe it would not be more than 24,000 or 25,000 acres altogether—but to show that Lord Stanley has been carrying on the controversy in the same spirit of opposition to the Company as he had all along exhibited; and in that spirit he now refused to carry out the award of his own Commissioner. But we have still better evidence of the spirit by which that noble Lord has been actuated in these matters. Since the debate in this House, the noble Lord has taken an opportunity of publicly stating his opinions on the subject. Did he, on that occasion, express any intention of fulfilling any of the promises made by his right hon. Colleague? He did not. The whole tenor of the noble Lord's speech was a declaration of obstinate adherence to the worst principles of his own policy. The view which the noble Lord took of the Treaty of Waitangi, and which he declared his intention of enforcing, was wholly incompatible with

the colonization of New Zealand. I can only regard the speech of the noble Lord as an answer to the speeches of the two right hon. Baronets, his Colleagues, which they made in this House. The noble Lord asserted that the whole of the misunderstanding had been caused by the misrepresentations of the New Zealand Company to Lord John Russell as to the land. Now, these remarks of the noble Lord were unbecoming; more especially after the statement had been denied, and the noble Lord had been defied over and over again to point out when and how such misrepresentations had been made. Lord Stanley had been challenged to do this at the commencement of the controversy; but he had never done so to the present hour. Another point in the speech of the noble Lord surprised me even more, and that was his declaration to adhere to the Treaty of Waitangi in its fullest integrity. The noble Lord said—

"We have strictly in every instruction we have issued—and the Papers upon the Table prove the fact—that we have insisted on the strict fulfilment of the spirit and the letter of the Treaty of Waitangi. Our instructions have upon that point been uniform. They were given to Captain Fitzroy; and whatever instructions may have been since despatched to his successor, they have, in this respect, remained unaltered. We have told him—our declarations to the effect have been reiterated—that while he should seek, in every possible mode, to promote the amicable settlement of the affairs of the New Zealand Company, that he should always consider it to be the paramount duty devolved upon him, specially, and scrupulously, and religiously to fulfil our solemn engagements with the natives of New Zealand."

And while everybody knows the interpretation which the noble Lord puts upon the strict and religious fulfilment of those solemn engagements, viz., that the land which he declares to be the property of the natives, as much as the estate of any man in England or Scotland is his property, the noble Lord sent out instructions to the Governor to put a tax upon that land for the purpose of confiscating it. If the Government wish to preserve the engagement the noble Lord so described, let them do it strictly and honourably. If they thought the New Zealanders were competent to make Treaties with us, and were as much the proprietors of those lands as the people of Scotland and England were of their estates, respect their rights; but would not all mankind cry out against us, if, when taking possession of Martinique, Guadaloupe, and Canada, and having guaranteed the inhabitants in the undisturbed possession of their lands, we had put a tax upon the land for the avowed purpose of confiscating it? The phrase thimble-rigging had been applied in reference to transactions of this kind; but there was a practice formerly prevalent in this country, which, as describing a fraud, was much more analogous—the old trick of ring-dropping:—the course being to drop a ring, and then ask some unsuspecting person whether he had dropped it; and, while pretending to share with him the good fortune, to filch from him his money. And this was the way in which the noble Lord was about to fulfil his interpretation of the engagements of the Waitangi Treaty. Having asserted that those engagements should be maintained, instructions were given to fulfil them by a wild-land tax registration. I can assure the House I have not come here to complain without having exhausted every means to obtain justice from the Government, and without a conviction, that so long as the present spirit prevails in the Colonial Department against the New Zealand Company, there is no hope either for the Company or the colonists—and in speaking of the colonists, I mean not only the settlers of the Company who form the largest portion of the European inhabitants, but of the Colony generally, the best interests of which are involved in this question. I trust the House will not leave New Zealand to the spirit which is in operation at the Colonial Department for the next six months, without any guarantee for the future, not only of law, but without any intimation on the part of the Government, and without any declaration on the part of the House, that they expect the Government to alter a policy that has been so fatally prejudicial; and I do trust, that the answer of the House to the petitions of the friends and connexions of the colonists, presented this night, will not be, that they are prepared to support Lord Stanley's instructions and speeches, in contradiction to the promises of the right hon. Baronet. The hon. and learned Member concluded by moving—

"That this House regards with regret and apprehension the state of affairs in New Zealand; and that those feelings are greatly aggravated by the want of any sufficient evidence of a change in the policy which has led to such disastrous results."

Mr. *G. W. Hope* asked what was the statement made by the hon. and learned

Member—what was the whole gravamen of his charge against his noble Friend? It was that he had not read to the deputation certain parts of the instructions given to the Governor of New Zealand. This he (Mr. Hope) most distinctly denied. His noble Friend positively stated that the parts of the instructions referred to—those of the 27th of June, had been read to the deputation. Now it was said that his noble Friend should have adopted some means to guard himself against any such misunderstanding. Why, what course could he have adopted but that actually taken? The noble Lord met gentlemen of high honour, for confidential communication, in private: a discussion took place; it was agreed that the result of that discussion should be recorded in minutes, and the minutes were agreed to by both parties. Those minutes distinctly stated that the extracts to which the hon. and learned Member for Liskeard had referred were communicated to the deputation, and that a certain despatch was given to them *in extenso;* and yet in the face of that minute. an hon. Member charged the noble Lord with acting in bad faith, as having kept back the very documents which it is there recorded were produced and read. The minutes stated that Lord Stanley promised to send to the deputation, in a course of a few days, copies or extracts of his despatches to Governor Grey; and that, till they were forwarded to the deputation, the communication of their contents made that day should be considered confidential. The documents sent were then read. He (Mr. Hope) believed there was only one hon. Gentleman in the House who was a member of that deputation; and he certainly should be surprised if that hon. Gentleman contradicted the assertion he now made. He thought the House would be of opinion that he had satisfactorily disposed of the charge. But he might mention a circumstance which enabled Lord Stanley to state with more confidence that the extract to which the hon. and learned Member opposite had referred, was shown to the deputation. It would be found, on referring to the end of the extract, that it contained the following passage:—

"I can only repeat to you (Captain Grey) the instructions which I have already given to Captain Fitzroy, to endeavour by amicable co-operation with Colonel Wakefield, to remove obstacles arising from unsatisfied native claims, and to discourage, as far as lies in your power, any exorbitant or extortionate demands on the Company on this head."

Now, it so happened that the word "exorbitant" had been accidentally misprinted "exhorbitant," and when the passage was read, his noble Friend pointed out the absurdity of the blunder. The circumstance was a slight one; but it was amply sufficient to prove that the note had been duly read to the deputation. Yet upon such grounds, were charges brought against his noble Friend—upon such grounds had charges of deceit been levelled against him. [Mr. *C. Buller:* I did not accuse him of deceit.] So it was, at least, that he understood the hon. Gentleman; but he must be allowed to state, that whatever might be the view taken of the matter by the hon. Gentleman, his noble Friend felt that such had been the real nature of the charge urged against him. He had received a statement, accusing him of having intentionally kept the Company in the dark on this point; and it was his (Mr. Hope's) duty to show how slight were the grounds upon which such accusations were brought forward. If the noble Lord had erred at all, he considered it to have been in the confidence and frankness with which he had received and communicated with those who had made him the object of their attacks. He would now pass from this part of the subject. The hon. and learned Gentleman had dwelt upon the inconsistency of Lord Stanley's administration with respect to New Zealand. The hon. and learned Gentleman complained that the promises held out to the Company by the right hon. Baronet near him had not been fulfilled. It was not for him to attempt to defend his right hon. Friend; but he might point with confidence to the spirit of the instructions laid before that House and communicated to the Company, as evincing a real sincere *bonâ fide* desire on the part of the Government to meet the demands of the New Zealand Company, so far as they could do so consistently with their duty to the country, and their obligation to maintain the honour of the Crown. The hon. and learned Gentleman had not read the instructions to which he had urged objections; but he (Mr. Hope) might be allowed to read some portions of them. Let him turn to the following passage in the despatch of the noble Lord, dated the 27th of June:—

"In my despatch of the 13th instant, I ad-

verted shortly to the relations between Her Majesty's Government and the New Zealand Company. The early settlement of the pending questions respecting the Company's claims to land is of paramount importance towards the adjustment of the affairs of the Colony; and it is far more necessary to take effectual steps for bringing these discussions to a final and, if possible, a satisfactory conclusion, than to re-open questions of strict right, or carry on an unprofitable controversy."

Now, he would appeal to the House whether this passage evinced any hostile or unfriendly spirit on the part of the Government towards the New Zealand Company. Notwithstanding the attacks which had been made upon Lord Stanley, in connexion with this subject, he received a deputation from the Company; he did not hesitate to produce his despatches to them, and to communicate their purport; he courted their remarks, and yet it was said that he had shown no disposition to consult them, or to carry out promises which were supposed to have been made with reference to the establishment of an improved state of public affairs in New Zealand. The hon. and learned Member for Liskeard had complained that the Company were placed in a worse position than they would otherwise have been in, because an unheard-of condition had been imposed upon them —the acceptance of the Commissioner's award by the natives. From the manner in which the hon. and learned Gentleman's statement on this point was made, he could see that it had had some effect upon the House; and he might be allowed to afford an explanation of the matter, though such an explanation would scarcely be necessary to hon. Gentlemen who had read the despatch of the 6th of July. It would be remembered that early in July, 1843, the Company applied to Lord Stanley to direct his officers to co-operate with their agents in compensating the natives of New Zealand who might have sold their lands, or who complained that they had not received sufficient compensation for land sold. Lord Stanley consented to issue such instructions, and he did issue them. Governor Fitzroy delegated to Mr. Spain, the Commissioner, the duty of conducting these negotiations between the natives and the Company's agents; and the Commissioner had consequently a double duty to perform. In the one case he had to adjudicate judicially on the question of sale or no sale; in the other, in conformity with the request of the Company, it was his duty to negotiate with the natives for the arrangement of unsatisfied claims. In some cases awards of further compensation had been made by the Commissioner to natives whose claims had remained unsatisfied. But these awards were not made by the Commissioner judicially; they were made by him in the character of a mediator between the two parties; and it depended upon the natives whether or not they would accept the compensation that might be tendered to them. In a letter of the 8th of May, 1843, from the New Zealand Company, it is requested that the Governor and Council of New Zealand may be instructed—

"As soon as practicable, to establish some general rule for defining native titles, and settling the claims to land, and to do their best to aid the agents of the Company in effecting the necessary arrangements with the natives, either for the purchase of lands belonging to them, but unimproved, or for making, on the part of the Company, equitable compensation for the original value of land which may have been occupied by themselves or their settlers, without sufficient title, but on which they may have effected improvements."

In pursuance of these directions the Commissioner acted, and he acted upon them as mediator in Wellington, and almost every other settlement. The award of the Commissioner, in a judicial capacity, might have been against the Company; but, as a mediator, his suggestions might be admitted and accepted by the natives. This measure, therefore, so far from being inconsistent with the rights of the Company, was in his opinion, the very course of all others most calculated to effect their objects, and to lead to the peaceful, the immediate, and final settlement of the questions at issue in the Colony. But he would now turn to the more general questions to which the hon. and learned Gentleman had alluded. That hon. Member had begged that Lord Stanley would not shift from himself to the Governor of New Zealand any responsibility which properly belonged to him. It was unnecessary for him to defend the noble Lord from the suspicions of any desire to commit so discreditable an act; but on the other hand he (Mr. Hope) must ask that his noble Friend should not be made responsible for consequences which could not be attributed to his proceedings. The hon. and learned Gentleman had referred at some length to the present condition of the settlement of Auckland, and had thought proper to quote the account given by Mr. Cormack, without alluding to any other

letters received from the Colony, or to the despatches received by Her Majesty's Government. The hon. and learned Gentleman had said that there was congregated at Auckland a mob of runaway sailors, convicts, and other persons of bad character; and he took the opportunity of stating that there were in the Colony a number of boys from the Penitentiary at Parkhurst. He thought that when the hon. and learned Gentleman attributed the present condition of New Zealand in some degree to the fact that twenty-five boys from Parkhurst had been located in the Colony, it was evident that he was anxious to seize upon every circumstance which he imagined could excite any feeling in his favour, or create alarm in the public mind as to the condition of the Colony. He (Mr. Hope) would state the real circumstances with reference to these boys. It was determined some years ago to try an experiment which had been strongly recommended—that of giving to boys who had been criminally convicted, but who had received education, and who were believed to be reformed characters, a chance of beginning a new life in a new world. In pursuance of that determination, boys whose characters were vouched for by the superintendent of Parkhurst were sent to several of the Colonies, and among others to New Zealand. He regretted that a disposition should have been shown by any hon. Member of that House to shut out the reformed convict from the only chance of retrieving his character. The hon. and learned Gentleman had said that the settlers at Auckland were in a state of great alarm: he would ask permission to read to the House two extracts from letters from Auckland which had to-day been forwarded to him by his noble Friend the Secretary for the Colonies, the one dated the 20th and the other the 25th of March. In the former it was stated that the disaffection only extended to a few tribes in the north, that those in the neighbourhood of Auckland seemed to be well disposed, although they were not to be fully trusted. The writer, however, concluded with the remark, that "we may expect all to pass over without anything serious taking place." This was the letter of the 20th. In that dated the 25th, the same writer went on to state, that since the arrival of the *North Star* troop ship, bringing 200 men of the 58th regiment, the public mind had become calmed, and the news from the different tribes was sufficiently satisfactory. Now, this was the statement of one who had no interest in making out a favourable case for the local authorities. It was true that the hon. Member had read a letter of the 28th; but it so happened that he (Mr. Hope) had a newspaper published at New Zealand upon the 29th, from which he would read an extract—

"On Sunday last there arrived here 230 of the 58th regiment, with six field pieces from Sydney, in Her Majesty's ship *North Star*, and the schooner *Velocity*. These reinforcements, with the excellent precautionary measures of putting the barracks in a complete state of defence, erecting blockhouses in various directions, and strong patroles and pickets nightly around the town, impart feelings of security to the inhabitants, at the same time intimating to the native population in the adjacent districts, that any hostile or preparatory attempts on their part on Auckland, would be met by most determined powerful resistance."

Here was a statement which did not agree with the representations of Mr. Cormack. But then the hon. Gentleman stated that in defending Auckland we had withdrawn protection from Wellington. Now, so far from that being the case, the fact was, that upon the arrival of the general reinforcement from Sidney, the first step taken, was to send special reinforcements from Auckland to Wellington. Yet the hon. Gentleman had gone on to declare, that Government was guilty of culpable negligence with respect to the state of military preparations at New Zealand, and that for this negligence Lord Stanley was responsible, Captain Fitzroy having repeatedly applied to him for additional military force, but without effect. This was the statement of the hon. Member; but he had not been able to point to those despatches of Governor Fitzroy, in which this demand for military assistance was urged, although all these documents had been laid upon the Table of the House. It was somewhat hard, then, under these circumstances, to turn round and say, why have you not complied with requests, the existence of which has still to be proved? In fact, the only statement of the kind alluded to by the hon. Member was, a general statement to be found in the despatch of the 14th of April. In this document it was stated, that none of the establishments—and this referred to civil and military establishments—would admit of reduction; but that, on the contrary, they ought rather to be increased. But really that was not the species of demand which could be called a regular application for increased force; and besides, the argu-

ment for the increase of establishments came with very bad grace from the hon. Gentleman, who considered these very establishments as being excessive. The first explicit demand for reinforcements was received on the 29th of March or May last—at the moment he did not recollect which—and the statement of Captain Fitzroy to his Council was made on the 26th of March. But as he was upon the subject of military and naval protection to New Zealand, it might be satisfactory to the House, and to those who were interested in the Colonies, were he to state what, in respect to this matter, had been the course already taken, and that which was proposed in future to be adopted. In the first place, then, the noble Lord opposite (Lord John Russell) had decided, that 100 men was to be the total force allotted to New Zealand. A force of that amount was accordingly sent out. Remonstrances were, however, made as to its insufficiency, and the noble Lord replied that he was sorry for it, but that he had no stronger force, and that they must be content with the 100 men allotted to them. The next correspondence which took place upon the subject was one which had been printed and laid before the House; and it appeared from the documents contained in it, that from 150 to 250 men and a ship of war were all that the military authorities in the island considered to be required. A reinforcement was accordingly sent, and a vessel of war ordered to be constantly stationed near New Zealand. In addition to this, his noble Friend had directed the immediate enrolment of a militia. His intention was, however, not carried into effect, and he might state distinctly, that disregard of the instructions sent from home in this respect, was one of the reasons which had led to the dismissal of Captain Fitzroy. But what had been the course lately pursued as to the defence of the Colony? His noble Friend had directed a regiment to be sent out to New Zealand, and had caused application to be made to the admiral on the Indian station for a steamer, while measures had been adopted for relieving the vessel of war by another as efficient, if not more so than herself. They must not, however, forget, in considering this question, the amount of force in the Australian Colonies; that consideration had a very important bearing upon the question. What, then were the facts as to the force in Australia? Why, there were 1,600 more men there now, than there had been in 1841. Instead of 2,400, the number then stationed there, there were now upwards of 4,000. It would be evident, therefore, that there was a large available force stationed in those Colonies, and, as the distance between Auckland and Sydney was not above ten days' sail, that force would be enabled to be employed in the defence either of the one Colony or the other. Not, however, that he entertained any great dread that a large military force would be necessary for the purposes of New Zealand. He would remark, that there existed there no confederation of natives against Europeans. Indeed, the safety of British power had always been considered to lie in the disunion of the aboriginal tribes; and there were no grounds for supposing that the natives would now unite against us, unless some act were committed which should give them what they never yet possessed—common sympathies and a common object. "But," said the hon. Gentleman, "the recent disturbances had arisen from our policy in New Zealand;" and in the same breath he contended that these disputes had not their origin in any cause connected with land. The hon. Gentleman had referred to Mr. Busby's view of the matter, Mr. Busby's view was that the dissatisfaction of the natives arose from a limitation being imposed upon them as to their power of selling their land to whomsoever they pleased. Why, there was no witness the hon. Gentleman could call, who was more completely opposed to his views, than was Mr. Busby. But, then, in the opinion of Mr. Cormack, the late riots had their origin in the natives having been cheated. Where had they been cheated? How had they been cheated? By whom had they been cheated? The hon. Member answered none of these questions. But, they were told by others, that the natives became disaffected, because, they found greater restrictions upon their proceedings in the way of selling land than they anticipated. They urged, that we undertook to buy their lands from them, but that, if we did not so buy them, they had a right to sell to somebody else. They said, "When we gave you a right of pre-emption, we did not mean to imply that you should be the only purchasers, but simply that you should have the first offer." In fact, the disturbances arose from dissatisfaction against the regular Government, from dissatis-

faction with the impediments placed upon the sale of lands; and also they arose, he believed, from the desire on the part of the native chief who had led them to win for himself a reputation, to gain a character for warlike achievements, and to raise himself in the estimation of his countrymen, by denying the authority of the Queen of England. But then it was said that his noble Friend had supported Captain Fitzroy almost at all hazards, that never had a Governor been so backed, that almost his every action had been ratified and approved of. Now, he would like to know on what authority such statements were made. It was very true, that his noble Friend had said, so long as the charges were but one-sided accusations, that he would not on such *ex-parte* statements recall the late Governor; he would wait, in the first place, for Captain Fitzroy's own statement and defence. That statement was made, and he was recalled. So far from approving of almost all Captain Fitzroy's proceedings, his noble Friend disapproved of it on almost all important points. He disapproved of his financial policy, of his proceedings as to the sale of land, of his doing away with custom-house restrictions in the Bay of Islands. He disapproved of his proceedings in regard to the militia, and of the unusually rapid, hasty, and inconsiderate course which he adopted in passing, in a Council sitting at one end of the island, without allowing sufficient time for communication with the other, laws by which the whole was to be governed. But, then, said the hon. Member, what was the course now proposed to be adopted? And here he must remark on the attack which the hon. Gentleman had seen fit to make upon Mr. Shortland. He was sorry that the hon. Gentleman had thought it necessary to do anything of the kind. Mr. Shortland had been Secretary to the Colonial Government, but his appointment was not the work of his noble Friend. He had served with credit as a lieutenant in the navy; it was true that complaints of malversation had been made against him, but the charges were not supported, and he was acquitted; and the reason of his resigning his office was in consequence of Captain Fitzroy making it manifest that he reposed no confidence in him. It was considered most unjust and cruel to condemn a man for life because an unfounded charge was brought against him. It was his noble Friend's intention, therefore, though this gentleman was not considered competent to preside over the government of New Zealand, to appoint him to one of the minor presidencies of a West India Island. The hon. and learned Gentleman then came to the question of the policy on which the government of New Zealand should be conducted. To this part of the subject the hon. Gentleman's Resolution was pointed in as vague a manner as possible with the view of catching the votes of those who did not agree with his views. When the hon. and learned Gentleman came to particulars, a strong ground of attack seemed with him to be, that Auckland was made the capital instead of Wellington. Now the instructions issued by the noble Lord (Lord J. Russell) in April 1841, specially provided that Captain Hobson, who was sent out by him, should see that the New Zealand Company had no portion of the capital, and that it should be reserved to the Government alone. The words were—"Lands to be assigned to them, should not embrace any part of the future capital. It is indispensable to reserve to the Crown the command over all lands in the capital town, as well as any that may be embraced in the suburbs." It was, therefore, clear that Captain Hobson went out with distinct instructions from Lord John Russell not to place the capital in the lands of the Company. But he did not defend the selection on that ground alone. Every impartial person from the Colony he had spoken to, testified that Auckland was the best selection that could have been made. The hon. and learned Gentleman had next taunted his noble Friend with the promise of "municipal government," and ridiculed the idea of granting institutions which only gave the power of paving and lighting. Now, he asked the House, was this reading his noble Friend's instructions in their spirit? His noble Friend stated what he gave them as a substitute for representative government—that he included large districts to obviate the unequal pressure of taxation; and yet the hon. and learned Gentleman would give the House to understand that the powers granted by his noble Friend were restricted to the narrow limits of "paving and lighting;" limits which, according to the hon. and learned Gentleman's own statement, would be perfectly inapplicable to the state of New Zealand. But then the hon. and learned Gentleman said the instructions deceived the Company. [Mr. *Buller:* No, that they were misled by them.]

Well, taking it in that way, it was admitted the instructions were submitted to the Company, and they had an opportunity of discussing them. His noble Friend's object in showing the Company the extract from his instructions, was in order to obtain their views. And he thought when his noble Friend acted in a spirit of candour, and fairness, and invited discussion, it would have been better for the Company to suggest modifications—to point out their views at the time, and not to receive them without objection, and subsequently, when convenient to themselves, to turn round and endeavour to give a meaning to those instructions which they were not intended to bear. As to his noble Friend's declaration that he would adhere to the Treaty of Waitangi, entertaining, as his noble Friend did entertain, a decided and fixed opinion that the obligations of the Crown imposed that view upon him, he would be unworthy of his high station if he permitted any notions of temporary convenience, or any desire to conciliate a particular body of men, to induce him to swerve from that course. Moreover, so far from late events disproving the justness of his noble Friend's views, they showed demonstrably that they were founded in good policy, as well as in justice, honour, and good faith; and that to depart from them, as it would unite the whole native tribes by one common and just cause of dissatisfaction, would go further than any other course that could be suggested, to shake at once the character and power of the British Government in New Zealand. The hon. and learned Gentleman next referred to the tax on the wild lands, and he censured it strongly. Why, the hon. and learned Gentleman, in his own Report, recommended such a tax on the wild lands of Canada, and nobody found fault with that recommendation, though Canada was a conquered Colony, and French Canadians owners of wild lands. It was plain by the mode he dwelt on it, that the hon. and learned Gentleman considered this the only weak point of his noble Friend's case; but it was hard that his noble Friend should be condemned for an incidental observation approving the same view as that taken in the solemn Report of the hon. and learned Gentleman, and that his noble Friend should be called a "thimble-rigger" and "ring-dropper" for adopting the same recommendation as to New Zealand, whicht he hon. and learned Gentleman gave as to Canada. Besides this attack on the noble Lord, he might also be allowed to refer to what he considered an unfair charge against himself. In the late debate the hon. Member for Lambeth said, that he (Mr. Hope) had voted in 1840 against the recognition of the independence of New Zealand. Be it so. But was there any inconsistency in saying it was unwise to admit the independence of New Zealand, but that, having admitted it, we were bound to adhere to a particular policy to give effect to what he might have considered in the first instance an erroneous view of the question? The Report of that Committee distinctly stated that a proper remedy could only be applied by legislation to the evils which then existed. To revert, however, to the question really before the House, after his many miscellaneous attacks, the hon. and learned Gentleman came at last to what was the gist of his Resolutions, drawn as they were to bring within their scope as much sympathy from all sides as possible. He spoke of a change of policy. These were wide words; but the meaning of them was simple—it was to obtain for the Company the land to which it was their wish to be declared entitled to be given to them, by being taken away without compensation from the natives. That was the change of policy which he stated was expected. On what ground was such a change expected? Was there not the strongest declaration of an intention to keep faith with the natives of New Zealand? They (the Opposition) might say that the recognition of their rights was a wrong course; but to that Government was pledged by the acts of the noble Member for London, and by no act of their own. He should not fatigue the House by discussing the noble Lord's instructions; but they could have proceeded on no ground but on a recognition of a title to the soil of New Zealand in the natives, and that they alone owned the waste lands which the noble Lord's Officers were instructed to purchase from them. Had there been any fresh intelligence to change these views? If the hon. and learned Gentleman looked to the Minutes of the Executive Council of New South Wales, he would find that not much encouragement was held out to change the policy which was thus rendered indispensable by the acts of the predecessors of the present Ministers. The House would recollect that in the late debate, the Report of Sir G. Gipps was frequently referred to, particularly by the Chairman of the Committee, the noble

Member for Sunderland. Sir G. Gipps was applied to by Captain Fitzroy for aid before the breaking out of the last disturbance, and he observed, before Lord Stanley's despatch was received—commenting on the Report of the New Zealand Company—

"The present application was not founded on a single act of violence, and he felt convinced that the difficulty of keeping in check the natives would be more extensively felt in proportion as the Report of the House of Commons' Committee of July should become more generally known throughout the Colony."

He could state that that was no visionary apprehension; and that it was the opinion of every one well acquainted with the Colony, that if there was any question likely to unite the natives into a compact mass, it was the question as to their rights to land, denied by the Committee; and, in conclusion, so far from promsing a change, he must warn the House against that other line of policy pressed for by the hon and learned Member, which would, in his opinion, amount to spoliation, and which would be as inconsistent with the honour of the Crown as with the peace and good government of the Colony.

Mr. *Roebuck* said, many of the difficulties which beset this question were to be traced to the manner in which we became entitled to New Zealand. They would be found not to result from the acts of any one Government, but from the course of policy which had been pursued with regard to the Colony. He should shortly give the history of this Colony; for on the good foundation of our title rested the solution of many of the difficulties which we had to encounter. In 1769, Captain Cook, under the authority of the Crown, discovered this territory. According to international law, to give us any right to possession of the discovery, the voyage of discovery must have been prosecuted under the authority of a Crown. This, however, was but an inchoate right, liable to be annulled by non-user or formal abandonment. We did not take possession of New Zealand by any authorized colonization. Some runaways from New South Wales, some mariners connected with the whale fishery, and some missionaries (of whom he had a word to say presently), who thought they were "labouring in the vineyard," occupied by degrees this territory. The right we gained by discovery thus remained unperfected. By a great many Acts of Parliament, Great Britain solemnly disavowed its title; and further, that the sovereignty existed in the New Zealand chiefs. It was not for him to say whether this course was wise or not; but if any foreign nation had supposed they were not precluded by our priority of discovery, and invaded the country, we should have fallen back on the declaration which we made, and said, "This is an independent country—it is so acknowledged by us—and we shall see that the rights and liberties are not endangered." A Company was next formed (and it would puzzle his hon. Friend the Attorney General to answer this position) for the purpose of conducting emigration to New Zealand. That would be an illegal act, if this was a wild territory. The Company had a right to say, "We went out to this country on the character acknowledged by yourselves—that of an independent and sovereign community; and we bought the lands from the people, you say, who possessed the sovereignty." Lord Stanley, by some powers of divination, said the intentions of the natives were not such as were supposed. The Company answered, "We paid for the land; we paid what your 'sovereign rulers' considered a fair price; and we say, you have no right to look at the contract, or to annul it by proclamation." Now, that was a nice legal question, which he should like to see submitted to the Queen's Bench; and he would wager they would not decide with the Government. When those parties went out in 1839, the intermeddling of France was dreaded. What did we? We made Captain Hobson not only Captain General of New Zealand, but we also invested him with consular power, thereby admitting the people to whom he was accredited to be an independent nation. We also gave ambassadorial powers, and authorized him to treat with the chiefs. What could be more solemn acknowledgments of sovereignty? Proceedings went on. This half Ambassador and Consul went to New Zealand; and then commenced a two-act farce, the first part of which related to the Treaty of Waitangi, and the second as to the proceedings of the chiefs of the Middle Island. Compare the document authenticated by Colonel Wakefield, as coming from the chiefs round Wellington, with that which constituted these New Zealanders an independent nation. Government said they would not pay attention to the last; it was a fraud—they would have nothing to do with it. Now, he maintained it was the second which

contained the fraud. It was a fraud, not on the simple natives alone, but on the civilized world. You forfeited the right of original discovery, and acknowledged the sovereignty of this people. By the Treaty of Waitangi you pretend, in the face of civilized Europe, that you are bound. Where were your faith and honour when it was made? Never was anything more disgraceful than the proceedings with the savages. One witness said, a quantity of feofment was carried out, in order that the natives might sign it. Why, they'd sign anything for some tobacco and rum! He now came to the missionaries—the parties chiefly employed in carrying this Treaty of Waitangi. He must here, at the outset, remark, that this country, it must be confessed, was very much under the influence of cant. There was nothing on which it was more susceptible than as to the fate of the "aborigines." A formidable organization having been got up for the purpose of emancipating the blacks, when the freedom of the slave was proclaimed, the power and influence of this great body of sympathizers was all abroad; and it was gravely discussed to what subject public attention should next be directed—whether it should be home or colonial. When a member adopted a hobby, the custom was to refer it to a Committee; for by that means the Government god rid of the subject for at least some months. The way that the House thus dealt with a question was mischievous, and he believed it was so in this case. The noble Member for Dorsetshire loved hobbies very much; and he constantly had questions to refer to Select Committees, and he had now two remarkably long Bills before the House. Formerly, he had a number of measures respecting labour; and he had now taken up a new subject. He must observe, with respect to these measures, that although he entertained a very great respect for the noble Lord, yet it could not escape his observation that there were persons who lived by means of such hobbies. Now, what was the effect of the hobby with respect to the aborigines in New Zealand? Lord Normanby having found a Report of a Committee of the House of Commons, in which allusion was made to the aborigines, and on reading, exclaimed, "Oh, we can never stand against this; we must do something, so that the storm blow over;"—he, therefore, thought that the best mode of proceeding was, to get back the sovereignty of New Zealand; and so, for the purpose of maintaining good order, he again took possession of New Zealand. There were parties, also, who benefited by the hobby of the Waitangi Treaty. There were the missionaries, who largely profited by it. They took abroad with them a knowledge of the true faith, which they were to communicate to the aborigines of New Zealand, and they pretended to put it into the language of New Zealand. For this purpose they were obliged to coin a vast number of words; and why was this? Because the ideas of such a nation did not embody one-hundredth part of those which were to be found in the Sacred Volume. They had, therefore, translated it into a jargon, which he could read because he understood English; but he was certain there was not a native who could make anything of it. But these persons, whilst they exhibited so much piety, also took care to look to their own interests. One of the witnesses who was examined before the Committee had stated that one of the missionaries had acquired a bit of land; it occurred to him to ask the size of it, and the reply to his question was, that this bit was about 90,000 acres. There was another gentleman missionary who kindly took possession of a piece of land which had been a source of dispute between two chiefs. He interfered, and treated them as mere boys, and took possession of the object in dispute; and thus he got possession of 100,000 acres in the best part of the island. The question then arose, what was the cause of Auckland having been made the capital of the Colony? It was in consequence of missionary influence. It was this influence that unhappily governed the Colonial Office. The Colonial Minister was not the Minister of the Colonies in reality; there was a paramount authority behind which controlled him. A person holding the office of Colonial Secretary was made to believe that he was a great man by the authority he alluded to, until he attempted to govern without it, and he would do so if he were a man of large capacity and determined will; but Lord Stanley was not one of that class. He would get rid of the whole system. The truth was, that the Colonial Minister was governed by Mr. Stephens, and Mr. Stephens was governed by missionary influence. This was the case wherever they went to in the Colonies. They had a dispute with France respecting Tahiti, which nearly led to a rupture between the two countries; and this was all occasioned by

the missionaries. The fact was, that these missionaries did no good but to themselves. From the time they had taken possession of the island till the present time, where had the outbreaks taken place? Always within the territories where these missionaries were. These men went out to preach the gospel of peace, but wherever they appeared an outbreak of violence took place. Recently the shape of the Government had been unpalatable to the missionaries, and the result was the proceedings at the Bay of Islands. If he was asked to put his finger on any persons who had done mischief in the transactions respecting New Zealand, he should first name the persons who drew up the Act of Parliament, and then Lord Normanby for his Treaty of Waitangi. The noble Lord the Member for the city of London was obliged to give way on this point, and so it would be with Lord Stanley. He did not, however, complain of any man in particular—it was not the men but the system which he complained of. A Colony should not be merely under the authority of a Governor acting on instructions from this country, but it should be constituted under a charter, acknowledging and declaring that the government of it vested in the people. Unless they acknowledged this principle, they must expect constant disputes and turmoil wherever they attempted to colonize. If they would allow the people of Wellington to govern themselves as the people of Rhode Island did, they would have had none of these differences, and the House would not have been troubled at such length respecting these disputes. Before the first large party of emigrants left the river Thames on their voyage out, they entered into a voluntary engagement as to the adoption of a form of government which they would adopt on their arrival at their destination. They had a precedent for this, the adoption of which was regarded with as much respect in the Northern States of America, as Magna Charta was in this country. If any one named the pilgrim fathers in that part of the United States, he would be told they were the persons most worthy of the respect of mankind. When, therefore, there was such an example before them, why should the adoption of the proceeding be visited with reprobation? At the same time he blamed the Company on other grounds, as he thought then, as he had thought at the time, that it was a hasty and, therefore, unwise proceeding to send out such a large body of emigrants before they had cleared their ground, and made proper preparation for their reception. Now, if the Government of the present day would calmly take up the Treaty of Waitangi, and examine it, and look into all the circumstances connected with it, and which led to its completion—he was convinced that, if they would impartially consider it, they would say that it was not worth the paper on which it was written. The Secretary of the Colonies talked of a land tax. Take any particular spot, he would defy them to tell who was the owner of it. The tribes were constantly wandering from place to place—they were here to-day, and there to-morrow, and there was, to use a legal expression, no assignable individual to be found as resident or proprietor. The tribes of Indians in America were in some respect like the savages in New Zealand; but they really occupied the land, for they hunted on it. It had been proved over and over again before the Committee that the natives of New Zealand only occupied small pieces of land, and they were only owners of it as long as they cultivated it, but no longer. The land was soon worn out by their mode of cultivation, and they then resorted to a new piece of fertile land, which they kept till the soil was exhausted, and no longer. They had no notion of boundaries, and they could not trace the land they claimed from river to river, or from mountain to mountain, in New Zealand, as this country could in India or elsewhere, or as the hon. Gentleman could trace out his patrimonial acres. It, therefore, was a monstrous piece of absurdity to talk of the land belonging to such or such a tribe. The noble Lord had said that he would respect the law of New Zealand; but did the noble Lord know what he meant by the expression? There certainly existed traditions of a certain kind amongst these natives, but there never existed any traditions respecting the ownership of land. He would challenge any one to show or prove that there was any law of the description respecting land. There might be a club, or something of that kind, which a son might inherit from his father, who had used it to knock down his enemies, but there was not a shadow of a shade of any law respecting the inheritance of land. He recollected, that a noble Lord, whose loss in that House no one could regret on the present occasion more than he did, had referred, in the last debate on this subject, to a title which a native put forward to some land, from

the circumstance of his having killed and eaten the native chief who formerly resided near the spot. It came out in evidence that one tribe had conquered and exterminated another tribe, and had taken possession of the land of the latter; and as this was on the sea coast, they had turned to fishing for a subsistence, and did not cultivate the soil. So it constantly happened that one tribe was driven from a particular district by another tribe; but they never heard of any of these natives who could deal with or describe land acre by acre. One person, however, who was examined before the Committee, said, that land descended from generation to generation through its respective hues; and he drew such a picture of this description of the descent of land and its appanages, until he (Mr. Roebuck) almost thought that they were getting to the history of a German barony. But it was perfect nonsense to talk of any law respecting the descent of land amongst the natives of New Zealand. They would find that the savages of New Zealand were sagacious, brave, and a stout body of men; but they were very low in the scale of civilization. [Captain *Rous:* Hear!] He believed that he had seen as many savages as the hon. and gallant Officer had, and that he was also as well acquainted with their character. It happened that all the arms these savages now fought with were introduced by the missionaries. The natives did not know the use of metal. All the metal which they had was derived from us, although large quantities of ore were lying at their feet, almost in its native state. They had not arrived at that state that they knew how to forge iron, which was the first indispensable requisite to civilization. ["Hear, hear!"] He knew that the Mexicans did not forge iron, but they had other things which they used as a substitute for iron. It was an undoubted fact, that all uncivilized races of savages ultimately perished wherever civilized man came. They might look on this circumstance with regret; but the latter circumstance was uniformly fatal to the savage races. If the noble Lord would look to what had occurred with respect to the North American Indians, he would find how rapidly and constantly they had perished before the progress of civilization. All that they could do would be to guard against the perpetration of acts of cruelty towards the natives, and to take care that they did not do anything towards the natives, which would not be done towards one of the colonists or subjects of this country. Protect the natives as much as you possibly could; but still, whatever course was pursued, the same circumstance would arise as was invariable under similar circumstances—namely, that the brown men would entirely disappear. It was idle to talk of putting them in possession of the soil; but they were a class over whose welfare there might be some watch and guard. This could be done, not by the means proposed by the noble Lord, but by such a course as was adopted by the New Zealand Company, who allotted to them such portions of the country as they were able to cultivate. Something might be done in this way; but nothing could ever be done as long as the natives were treated as sovereigns of the soil, and land was purchased of them by large sums of money. He had seen something of this in North America. The House very unwisely granted 20,000*l.* a year to be distributed as presents among the native tribes of Indians in Canada. What was the result? They got drunk as soon as they received the money, and either continued so until they got rid of it, or in that state they were robbed of it; and the result was, that their number was gradually diminishing. So it would be in New Zealand. The House might depend upon it that acting upon the plan of the noble Lord the effect would be such as the introduction of the small-pox amongst them could only be an equivalent, and not half a dozen years would elapse before they were nearly all swept away. The noble Lord talked of the possessors of the soil, and of imposing a tax upon them. On this point he did not agree with his hon. and learned Friend as to the right of taxing savages. But how would the noble Lord set about levying this tax? He must first of all find out the owner of every particular spot, for they could not lay the tax on a tribe. They could not say that such or such a tribe should pay 1,000 dollars, but they must impose it on an individual. If this was the case, the whole thing was a mere pretence, for the natives had no means of paying the dollars. If the tax was imposed, the land would be forfeited every year. It was a paltry pretence, and, to use an expression of the noble Lord's, it was a thimble-rigging scheme. He therefore hoped that the right hon. Gentleman at the head of the Government would not listen to such a paltry pretence. It was,

no doubt, the duty of the Government to consider the interests of the Maorie population. In doing so, let them look to justice being done them, but do not adopt a procedure which any individual in private life would be utterly ashamed to put forward. He trusted that the House would not be a party to such a monstrous proceeding. Difficult as the question might appear, they must be prepared to go straight forward; and, in the first place, they must consider the waste lands, as he believed they legally were, the property of the Crown, and treat them accordingly. They should provide, however, just as much land for the natives in each district as they could want for the purposes of cultivation, and take care to secure the possession of it to them. He did not suppose that the Government could persist in maintaining the strange conclusion of the noble Lord, that the possession of the waste lands should be considered to rest in the native chiefs. If the Government would at once rescind the proceedings of the noble Lord on this subject, they would relieve that House from a great deal of unnecessary trouble which must go on increasing as long as this system was persisted in.

The *Attorney General* said, it was not without a feeling of regret that, after the former discussion of three nights on this subect, he found that the hon. and learned Member for Liskeard had thought proper to renew it; and, above all, that it should be by a Motion of such a vague and indefinite character, from the adoption of which it was impossible to anticipate any beneficial result. On considering this question, he could not disguise from himself, that but for the existence of the New Zealand Company, and but for the interests of that Company, it never would have been brought forward. He trusted that he should be able to satisfy the House that it was not from any regard to the general prosperity of the Colony of New Zealand, that the hon. Member had called upon it to reconsider the subject; but entirely with a view to the interests of the New Zealand Company. He felt obliged to his hon. and learned Friend the Member for Bath, for having at once pointed out the policy which it was the object of the Motion to have adopted. It was, to compel the Government to abandon the Treaty of Waitangi, and to take possession of the whole of the unoccupied land in the Colony; and then, out of it, to make over a very large portion to the New Zealand Company. He agreed with many of the observations of one part of the speech of the hon. and learned Member for Liskeard, with respect to the establishment of the New Zealand Company. As for the original formers of this Company, he believed that many persons had joined it from the purest and the most disinterested motives. With respect to others, however, he believed that they were not insensible to the advantages which the adoption of such a scheme must produce; while others were only led to join it by the anticipation of the profit that would accrue from it as a commercial speculation. The Directors of the Company, in one of their early Reports, stated that the Colony was not established for political, but for commercial purposes; and from the large blue book it appeared that in a comparatively short time after its formation, it paid six per cent. interest on its capital. This circumstance offered a temptation to persons not influenced by disinterested motives to join it. He said this, because the Committee on the Report said that a great deal of the evil that had taken place in New Zealand had arisen from the New Zealand Company acting in defiance of the Governor. In the month of December, 1839, when the first purchase was made by Colonel Wakefield, a number of settlers had arrived, on the faith of the purchases of land having been completed. It therefore became necessary to find some place in which they might be located; they therefore made hasty and unfair purchases of the natives. As to the challenge of his hon. and learned Friend the Member for Bath as to the right of the natives or the New Zealand Company to the land, there could be no doubt that the independence of New Zealand had been recognised over and over again by this country. It was a question whether such recognition was politic or not, but the fact was indisputable. The hon. and learned Member for Bath said, that if New Zealand was an independent State, the New Zealand Company had a right to deal with them, and purchase land from the natives, and that such contract was valid; and he asked, how could they get out of this difficulty? His hon. and learned Friend the Member for Bath was the first who suggested this ingenious argument; for the New Zealand Company had never argued that they could carry on such dealings with the natives of New Zealand without the sanction of the Government of this country. In May, 1839, an application was made by Mr.

Hutt to Lord Normanby, stating that a Colonization Company, as it was then called, had been formed, and was going out to New Zealand to purchase land. Why did the Company apply to Lord Normanby at all, if they were going out to New Zealand as to an independent country, to deal with an independent State? Lord Normanby's reply was, that he could not recognise them on the independent footing suggested, nor sanction the validity of any purchases they might make on that principle. The Company, on this refusal, broke up; and a day or two after this communication with the Government, the New Zealand Company issued a prospectus, dated May 2, 1839, at a time when they had not acquired one foot of land in the island—setting forth that they had made most extensive and advantageous purchases of territory, in convenient parts of the island, for the purposes of settlement. Again the Company applied to Lord Normanby, and again they were told that he would not recognise them on the footing required, nor sanction the validity of any purchases they might make. In defiance of this refusal, however, the Company sent out their officers with the settlers; and in the months of September, October, and November, of that year, Colonel Wakefield, their agent, made purchases extending over several degrees of latitude, upon deeds which, at all events, were not more intelligible to the natives than was the Treaty of Waitangi. The independence of New Zealand had for a number of years previously been recognised by the Government; but the proceedings of the New Zealand Company compelled the Government to take steps for the cession of the sovereignty of the island, for the purpose of protecting the natives. Instructions to this effect were sent out to Captain Hobson, who issued a proclamation accordingly in February, 1840. Did the Company then say that they had been treating with an independent State, that the Government had no right to interfere with their purchases, and that they protested against the proclamation, as far as they were concerned, up to that time? No. Or, did the noble Lord opposite, then in office, concur with them in the representations they now insisted upon, as to the utterly savage character of the natives? On the contrary, the noble Lord described them as tribes considerably removed from mere barbarism, as a nation with advanced ideas of cultivation, and impressed with established notions as to the rights of property and the division of the soil, and whose independence had been formally recognised by the British Government. If the New Zealanders answered to this description, it could not be deemed absurd, improper, or unjust, to enter into a Treaty with them. And having made that Treaty with them, on what principle was the Government of this country to attend to the demand of hon. Gentlemen opposite, that the Treaty should be set aside, and the honour of Great Britain violated? That, indeed, would be improper and unjust; and, had Government entered upon so dishonourable a course, the violence and massacres on the part of the natives, which all must so deeply deplore, would not have been without some justification. When the Treaty of February, 1840, became known, what said the New Zealand Company? They said this:—

"On mature reflection, your directors know no other remedy for the evils they have set forth, than for the Government to take on itself the duty of occupying all the lands as sole possessors, making compensation to such persons as have *bonâ fide* acquired property therein."

He had intimated, that he thought the late Government right in the policy they had pursued in this matter. What, then, was the Government to do, which, on coming into office, found the Treaty of Waitangi established? Surely, not to set aside that Treaty, to violate the pledged honour of the country, and, seizing on the wild lands, transfer them absolutely to the New Zealand Company. Nor, was the Treaty the sole guide which the new Government had to direct their course by. In November, 1840, Lord John Russell had made an agreement with the Company, having reference to all the existing circumstances of the case, in the Eleventh Article of which Agreement the Company distinctly and unequivocally—

"Forego and disclaim all title, or pretence of title, to any land in New Zealand, except such as may be granted to them by the Crown, preserving to the tribes and chiefs all the lands which they might individually or collectively possess."

This Article the Company, indeed, afterwards attempted to assume, was conditional; but it was a perfectly clear and unequivocal surrender of any claims they might have set up to any land, but such as the Crown might thereafter grant to them. And the Company had this

great advantage in the matter over individual settlers, that whereas allotments to the latter were limited in quantity, the Company were to receive from Government grants commensurate in extent with the amount of their expenditure, at the very liberal ratio of four acres for every pound of money they could show, to the satisfaction of Mr. Penington, the Government Land Commissioner, they had laid out in the legitimate purposes of colonization. The letter of their own agent, dated the 24th August, 1841, and their reply to it, showed that they were sensible of the justice of this interpretation of the agreement. The Company complained that Lord Stanley had dealt harshly with them; whereas, in point of fact, he had dealt most liberally, even promising them that they should not be called upon to prove the validity of their titles, but that he would give them a *primâ facie* title to the full quantity of land awarded them, and put them in possession of it, unless where some prior title was established. True, the agreement was not carried out by Captain Fitzroy according to the intentions of Lord Stanley, but the noble Lord should not be assailed for this. Hon. Gentlemen opposite demanded a change of policy; he did not see how Government could pursue any other policy, than to respect the Treaty of Waitangi, and adhere, in the liberal spirit of construction it had manifested to the agreement made with the Company.

Mr. *Labouchere* had intended to give a silent vote on this occasion; but after what had fallen from the hon. and learned Member for Bath with reference to the conduct of Lord Normanby, under whom he had the honour to act in the Colonial Office, he should consider himself as shrinking from his duty to the House, to the noble Lord, and to himself, if he were not to make some observations on what the hon. and learned Member had advanced. But first he wished to say a few words as to what had been put forward by the hon. and learned Gentleman who last addressed the House; that hon. and learned Gentleman expressed the opinion that the question before the House was merely a question between the New Zealand Company and the Colonial Office: the hon. and learned Gentleman was quite mistaken. There was a much more important question than that submitted to their decision on this occasion; a question whether the Colony of New Zealand was not in that condition in which it had become the imperative duty of that House—not for the sake of the New Zealand Company merely, but for the sake of the people of this country—for the sake of a great, and what ought to be a most flourishing Colony, and for the sake of the large numbers of our countrymen who resorted there, to interpose for the purpose of inducing the Government to withdraw from the policy it had so mischievously acted upon, and which, at present, it evinced a determination of adhering to. His opinion was, that the sentiments of Her Majesty's Government, as indicated by the documents on the Table of the House, and expressed, so far as he had heard in that House, were unsatisfactory; and that it was, therefore, the duty of the House, when they heard the opinions of large and important parties expressed with respect to the condition of affairs of that Colony, to take into consideration the policy which it was right to pursue with respect to it. The hon. and learned Member for Bath, in remarking with respect to the policy which had been adopted by Lord Normanby, seemed to think that it had been founded on an over sensitive regard to the feelings of the aborigines; but he recollected all the circumstances connected with the policy of the Marquess of Normanby towards New Zealand—he recollected the period when Captain Hobson received those instructions—and he was well aware that Lord Normanby's desire was, that the Colony of New Zealand should present an exception to what had been almost the general rule previously in our Colonial history, namely, that the inferior should not be crushed or destroyed by the superior race; and that was, he could assure the House, an important element of all the policy of that nobleman. If those instructions which Lord Normanby then gave, and the policy which he adopted, had been fairly carried out and acted upon by Her Majesty's present Ministers, that state of things which had since been presented in New Zealand would never have occurred; and it was not fair, therefore, to infer, that because Lord Normanby had given those instructions to Captain Hobson, all that had since taken place in New Zealand was the result of them, although his policy had not been carried out in that Colony. Those were his opinions; but he did not rest them upon his own view solely, for he was fully borne out in them by the opinion of the Select Committee which inquired into the subject, which was composed of many

individuals who usually voted with the Government, and the opinion of which could not be supposed to be swayed by prejudice. What did that Committee say on the subject of the Treaty of Waitangi? It said—and he would remark that it was not the Treaty of Waitangi, but the interpretation put by the Government upon it, which caused the evil that had been complained of—it said that the acknowledgment in the local authorities of the right of property on the part of the natives in land, after the right had been assumed by the Crown, was not essential to the Treaty of Waitangi, and was injurious in its consequences. He (Mr. Labouchere) conceived that many misfortunes had resulted from that interpretation which the Government had given to the Treaty of Waitangi; and he regretted to see, that after the publication of that opinion of the Committee, they (the Government) still adhered to the interpretation which was so condemned by the Committee, and to a course of policy founded on that interpretation. Lord Stanley continued to adopt that interpretation, and that course of policy, after the publication of the Report of the Committee, which expressed their opinion of the injurious consequences which had arisen from it. He (Mr. Labouchere) did not consider this a question between the Government and the New Zealand Company; nor did he rise as the defender of all the actions of the New Zealand Company, although it was his opinion that the New Zealand Company and the missionaries might have been rendered very useful and beneficial in the advancement of the prosperity of the Colony, by the adoption of a wise policy on the part of the Government. He did not wish to see the Government at home in subjection to either; but he wished to see a course of policy which would render both useful in assisting the carrying out of a wise and well-considered course of proceeding in that Colony. He did not agree with the hon. and learned Member for Bath in thinking that the Treaty of Waitangi was waste paper. Far from it; for although it was not entered into with a people who were in a state of civilization, yet it was agreed to by this country, and it ought to be adhered to as perfectly as if it were with France or America, or any other country. But then it ought to be on fair conditions; for it would be mere nonsense to apply to half-civilized savages, like the New Zealanders, those rules of property which could only apply to a country in a condition similar to that in which England is placed. Let substantial justice be observed towards New Zealand—that only was required: if they had looked to substantial justice in the interpretation of the Treaty, the evils which had since been so much complained of would have disappeared long ere this time. Nothing could possibly be more absurd than to suppose, that a population of 100,000 natives, who were not hunters, and did not require large districts for their support, like the North American Indians—nothing could be more absurd than to suppose that this population, so constituted, had a right of property over 80,000,000 of acres, to the exclusion of the Government of this country, or of the colonists who went out to New Zealand. It was so directly opposed to sound policy, and a wise course of Government, that it would only lead to those disasters which had taken place in New Zealand. A state of things which had long continued had been going on from bad to worse, until acts of a most appalling description had at length occurred. A British settlement had been taken and ransacked; and the House had a right to hear from the Government a distinct and satisfactory account of the course which it intended to pursue. If the House looked to the assurances which they had, they would be found to be anything but satisfactory; for there was no answer to be found, except that a great body of troops would be sent to New Zealand; and he (Mr. Labouchere) would say, that if that was all, New Zealand promised to be a very unprofitable appendage to us for a few years to come. There would, if that were the only policy to be adopted, be a very great sacrifice of money and of men for a long period; and New Zealand, instead of being a valuable adjunct to the commercial greatness of this country, would only present, for many years, a scene of disaster. He agreed with the opinions of several Gentlemen at that side of the House, as to the notable expedient of the Government, namely, the imposition of a land tax for all the waste lands. They treated the aborigines as if they were the most civilized country in the world, in this particular. They recognised their rights to property in as complete a manner as it could be recognised in England in the nineteenth century, and they followed up that course by the plan of proposing a land tax—another mistake, which every one who knew any-

thing of such wild countries, knew was only calculated to lead to mischief and confusion. He (Mr. Labouchere) merely rose to do an act of justice to a nobleman who deserved the highest merit for his policy towards New Zealand; but before he sat down, he felt it his duty to allude to another Gentleman connected with the Colonial Office, and whom the hon. and learned Member for Bath thought fit to attack—a gentleman whose name he (Mr. Labouchere) could not pass over, if not in justice to him, in justice to his own feelings—he alluded to Mr. Stephen. He (Mr. Labouchere) brought away from that Office, as others had also done, a deep and enduring respect for the virtues, and abilities, and great services of Mr. Stephen. He knew it was too much the habit to attribute everything which was displeasing in the conduct of the business of the Colonial Office to Mr. Stephen; and so much was this the custom, that one day Mr. Stephen said to him (Mr. Labouchere), so constant was the desire to attribute everything of an evil tendency to him, that it would be better he (Mr. Stephen) left the Office altogether; but he (Mr. Labouchere) replied that it was a great advantage in that case to have him there, and he requested him not to leave, as all that the principals did would be attributed to Mr. Stephen. No mistake was greater than to suppose that Mr. Stephen was anxious to engross power at the Colonial Office; but his services and experience were so great, that he never knew any one at that Office who was not desirous of having the assistance of so acute a mind as that of Mr. Stephen; nor had he ever seen any one more desirous of putting fairly and clearly the facts and means of judgment before the eyes of his principal, leaving him to decide for himself, unbiassed by any prejudices he (Mr. Stephen) might have. He felt that that acknowledgment was due to one to whom he was under great obligation; and it would be no disparagement to any other person in that Office to say that the most distinguished for talents and services was the Gentleman whose name he had just mentioned. He should, then, give his vote in favour of the Motion of his hon. and learned Friend; for he did not think the Ministers had given any assurance to the House with which they ought to be satisfied, in the present grave and critical state of affairs in New Zealand. He was afraid that they felt ashamed of retracing their steps, which every day was leading to worse results; and he was sure, that if the House, in a case like this, refused to interpose—if they were so taken up by party attachment, and party conflicts in that House, that such an appeal as was made that evening on behalf of this Colony should be neglected, it would go far to shake that confidence and respect with which he desired to see all Colonies look to that House, as their protectors against all evils that might befall them.

Sir *R. H. Inglis* said he was anxious to recall the attention of the House to the observations which had been made to-night with reference to the missionaries in New Zealand. The *animus* exhibited by the New Zealand Company was anything but favourable to the missionaries. That might have been collected from the tone of the hon. and learned Member for Cockermouth (Mr. Aglionby), when on a former occasion he requested the House to observe that the late rebellion took place in a portion of the island especially under the cognizance and instruction of the missionaries. And the hon. and learned Member for Bath (Mr. Roebuck), in that part of the speech which referred to the recent unhappy disturbances told the House that this was the very quarter of the island which had for so many years enjoyed the benefits of missionary superintendence. The inference from those statements was clear, namely, that the disturbances which had occurred took place either through the direct misfeasance of the missionaries, or by their absolute neglect. In answer to that, he would ask the hon. Members to recollect the state in which New Zealand was before the missionaries arrived in that country. He would ask, could such a war as that which recently disturbed the northern part of that island, have taken place in former days without the occurrence of barbarities too dreadful for utterance in that House? He would ask, had not the chief Heki exhibited a degree of chivalry and gallantry which would have been an honour to any European nation, and, as the hon. and learned Member for Liskeard had said, would have honoured one European nation, which claims for itself to be the most civilized in the world? If the House would contrast the conduct of the New Zealand chief Heki with that of Colonel Pelissier, he would ask, whether the influence of Christianity had not been manifested, if not by the white man in Africa, at least by the dark man in New Zealand? He would ask whether, in the attack on Kororarika, a native chieftain

had not exhibited a courtesy and self-devotion which had not often been equalled since the days of Bayard, and which certainly had not been excelled? The hon. and learned Member for Liskeard could no longer look upon New Zealanders as children or savages; and as a further indication of the condition in which that people were, he (Sir R. Inglis) would remind the House that during the late disturbances there, a young woman and her child, who were taken by the New Zealanders—by those whom we in the self assumption of our pride call savages—was restored, unharmed, and without insult, by a flag of truce; and that two English officers, who were taken by the native chief, were sent back without having received any injury, and returned in such a manner as many other countries would not have returned them, namely, with their arms—their swords and pistols having been left with them. Let the House recollect what would have been the character of that war if it had taken place thirty years ago; and then he would ask, was not the influence of Christianity and of the exertions of the missionaries apparent? He would also refer with gratitude and satisfaction to the conduct of the Bishop of New Zealand, which had been spoken so highly of since his arrival in the Colony, but particularly during the later disturbances. Lieutenant Philpotts stated in one of his letters, that the conduct of the bishop in bringing off the women and children, and wounded, under a heavy fire, was deserving of the highest admiration; whilst his attendance on the wounded, performing the most menial offices for them, and administering both spiritual and temporal comfort to them, was equally praiseworthy. With respect to the conduct of the Government, he admitted they committed two faults—one in deputing the investigation into the state of New Zealand to a Committee of that House; and the next in appointing to the Government of that Colony an officer, who, if alive when the appointment reached him, might decline to accept it. Referring to the instructions given by Lord Stanley to Captain Grey, the hon. and learned Gentleman (Mr. Buller) regarded them as being directly contrary to the promise alleged to have been given by the right hon. Baronet the First Lord of the Treasury, that there should be a representative government given to New Zealand, and, quoting the instructions sent out in pursuance, as they ought to have been, of that promise, the hon. and learned Gentleman had pointed out a discrepancy between the promise and the fulfilment of it. [Mr. *C. Buller;* Hear.] By that cheer the hon. and learned Gentleman seemed to recognise his accuracy. But the hon. and learned Gentleman had in reading the despatch omitted one whole sentence. If the hon. Member read the whole of the despatch, he would find that there was no such discrepancy as the hon. and learned Gentleman mentioned, for it contained a statement that there were, at the time at which it was written, many objections to the plan, one of which was the condition of the natives. Did the hon. Member mean to say that he would include the natives of New Zealand in the representative Government? If so, the Europeans would be in a minority. Would he then exclude them from the plan? How, then, in that case, could they be considered as their fellow subjects under one system? The discrepancy to which the hon. Member alluded, between the conduct of Lord Stanley and the promise of his right hon. Friend at the head of the Government did not, in his opinion, exist. For his own part, he should give his confidence and support to the Government in this Motion, as he had so often given them on former similar occasions.

Mr. *Aglionby* deeply regretted to be called on to address the House on that occasion; but it was a subject of such importance that he could not avoid addressing some observations to the House, and in the course of his remarks he hoped he should not be induced, by any feeling he might entertain as to the treatment of the colonists, to use any expression of harshness, or calculated to excite irritation. He would not follow the hon. and learned Attorney General through all the documents to which he referred in his speech, as he thought that a Committee would be the most proper tribunal before which to lay those documents. He could not allow the misconceptions, and consequently the misrepresentations of the hon. and learned Attorney General to pass unnoticed, for that hon. Gentleman had misunderstood the proceedings and conduct of the New Zealand Company. The hon. and learned Gentleman was mistaken in the assertion that the Company went out without any land whatever. They had purchased land from private individuals, and from the native chiefs, who were qualified to sell it. There was no illegality in that. What right, therefore, had the hon. and learned

Gentleman to say that the purchases were made unfairly? There was not a particle of correctness in what the hon. and learned Gentleman had said on the point. Nor were the purchases hastily made. In reference to this matter the public would find all the information bearing upon it in the letter of Mr. Wakefield. He detailed the manner in which the purchases had been made, and goods and money were fairly paid to the parties who sold the land. What right, then, had the Attorney General to say that the purchases were unfairly made? In no one instance had the Commissioners of Claims said that such had been the case. The Company had, he believed, paid about 7,900*l.* as an additional compensation, in one case, at Nelson, and all for the goodwill of the land. As to the emigrants, they went out with a full knowledge of all the facts connected with the Colony. The Company did not deceive them. Every particle of information which the Company had at its disposal was published to the world. The emigrants knew how and why they went out; nor had he yet heard any complaint made by them of the Company's proceedings. They complained of ruined hopes, of loss of property, and of the want of safety to their lives; but it was not of the Company they complained. In all its proceedings, the Company had ever preferred a pacific course, and in no one instance had it exhibited any feeling but a desire to obtain peace, at any sacrifice but that of loss of honour. They preferred taking an agreement (which was a compromise) to going to a court of law. The Company took the agreement, and were satisfied with it. Who dared to say that the noble Lord the Member for London (Lord John Russell) was misled by what were called the misrepresentations of the Company? Every document which they had at command, was then, as now, at the command of the Colonial Office. The noble Lord knew very well what he was about, and the Company were perfectly satisfied with his agreement. It was true, that when the Court of Claims was established, they did not assent. Colonel Wakefield said, that, in his belief, the agreement of the noble Lord rendered the Court of Claims inapplicable to the case. To settle the question, they had placed upwards of 7,000*l.* in the hands of their agent. The peace, the harmony, and the prosperity of the settlement was the main consideration with the Company. The Company certainly believed that they had the opportunity, in a pecuniary point of view, of receiving all that they could wish; and the body of the proprietors unanimously agreed to listen to no terms, to take no money, which might compromise the safety of the settlers. He ventured to assert that the safety of the colonists had been, was, and ever should be, the main object of the Company. Satisfy them that the colonists were safe, and they cared but little what was done with them. They besought Lord Stanley to settle other matters as he pleased, but to settle the land question at once, and in the way which we conceived to be alone the proper way. They took the agreement coupled with an express condition, that the grant should be made immediately. He would only say, that nothing had ever been concealed by the Company, and if the House wished for information nothing would be concealed. With respect to what the hon. Baronet the Member for Oxford (Sir R. Inglis) said as to his (Mr. Aglionby's) saying that the missionaries had entirely under their control that portion of the island which was now the seat of disturbance, he had put it in the shape of a question to the Under Secretary, and he could not deny it. It was urged by the hon. Baronet that this showed the *animus* which actuated the Company in regard to the missionaries. He (Mr. Aglionby) believed that Mr. Baring's Bill in that House had been thrown out by the influence of the Church Missionary Society. That Society was managed by Mr. Dandeson Coates. That gentleman asserted, on a subsequent day, that so long as he could oppose it, New Zealand should never be colonized by the Company. His opposition to the Company still continued, and it was a strong and powerful opposition. He had, at an early period of the Session, called the attention of the House to a fact, which he would now beg leave to state again. He had received a letter, or rather circular, and a similar circular had been received by many others; and when he stated its purport, he would ask whether the opposition manifested in it, did not justify him in saying, that the difficulties of the Company were greatly to be attributed to the opposition of Mr. Dandeson Coates? The hon. and learned Gentleman then read the circular, requesting the party to whom it was addressed to present it to the Member for Cockermouth, and to desire him to use his influence in order that the Members

might oppose the recommendation of the Select Committee who had reported upon the state of New Zealand and the affairs of the Company. It was signed by John D. White. [Sir *R. Inglis:* It was not from Mr. Coates?] No. [Sir *R. Inglis:* Nor from the Church Missionary Society?] The hon. Baronet now wished to insinuate that he was grossly in error, and was grossly misleading the House, when he mentioned that document as a proof that Mr. Coates and the Church Missionary Society were still in opposition to the claims of the New Zealand Company? He would now ask the hon. Baronet who Mr. White was? He would ask him now—

Sir *R. Inglis:* Did the hon. and learned Gentleman wish him to interrupt him a second time? If so, he would give him an answer. If not, he would wait till the hon. and learned Gentlemen had done.

Mr. *Aglionby* would ask, for the information of the House, who Mr. White really was? He would likewise ask, in reference to Mr. Dandeson Coates, if the circular quoted had been sent forth without his knowledge or direction? The circular was written on the part of the Church Missionary Society. Did the hon. Baronet mean to disavow Mr. White's proceeding—did he mean to deny that Mr. Coates, either directly or indirectly, sent the letter? Did he mean to deny that the Church Missionary Society did not cause it to be sent? If so, let him at once inform the House of it. It was sent with the cognizance, or by the authority of Mr. Coates, or of the Church Missionary Society. In accordance with the Church Missionary Society, its missionaries in the Colony had a direct interest in obstructing colonization by any one but themselves. The missionaries might be divided into three classes:—First, there were those who went out from the most highminded, the purest, and the most benevolent of motives, and who thought that the introduction of any European society into the Colony would introduce with it European arts and luxuries, and with them European vices, and thus obstruct the christianizing and civilizing the natives of New Zealand; such men he could respect. There was another class, not quite so highminded, but who had not the base pecuniary interest which others had. They formed a considerable body of the missionaries, and were honest and intelligent mechanics, who went out to preach the doctrines of the Church Missionary Society. They reigned as little kings in their different districts, where their influence was paramount; and he could easily conceive the motives of their objection to colonization by any one but themselves. The third and the worst class were actuated solely by their wishes for their own selfish aggrandizement, who had set aside the instructions of the Society, and who had procured for themselves large and extensive grants of land. The Church Missionary Society were not, as a body, large holders of land, although they had about 11,000 acres. The missionaries to whom he now more immediately alluded, had obtained nearly 200,000 acres of land in New Zealand. These parties likewise had a direct personal interest, with Mr. George Clarke at their head, and Mr. George Clarke, jun.; they had a direct personal and pecuniary interest in the northern part of the island. He would now ask the Government whether, notwithstanding these missionaries, they would or would not colonize New Zealand? It was their duty now to carry forward colonization to the advantage of all parties and classes—natives and white persons. In addition to what he had thus advanced, he felt himself obliged to rise, to trouble the House upon a matter of private and personal honour, which had been confided to his charge, and which, if he did not bring before the House, he would feel himself guilty of a grievous dereliction of his duty; and the House would pardon him for trespassing longer on their attention, when they called to mind how deep an interest he took in the Colony, and in all those connected with it. What he was now about to bring before the House, was a matter of a more delicate and painful character than any to which he had as yet alluded. He had listened to the representations of the Under Secretary with some surprise and pain. He did not think, however, that he was personally called upon, by anything which had fallen from the Under Secretary, to make any remark; but a letter had been sent to him, in consequence of these remarks on the part of the Under Secretary; and as the matter deeply affected the character and the honour of a gentleman of high character, and formerly a Member of that House, he was quite sure the House would forgive him for calling their attention to the subject, and reading the letter. It was signed by George Frederick Young, one of the members of the deputation who waited on Lord Stanley about a fortnight ago, and was as follows:—

"I have just heard, with equal surprise and pain, the unqualified denial given by Mr. Hope, on the part of Lord Stanley, of the assertion made by the Directors of the New Zealand Company, that the fact of his Lordship having given instructions to Captain Grey to grant *primâ facie* titles to the lands claimed by the Company, was not communicated by him to the deputation with whom the recent conferences have been held. As his Lordship is represented by Mr. Hope as declaring on his honour that he did read those instructions to the deputation, it is, of course, impossible for me to contradict such an assertion; but I owe it to my colleagues and to myself equally unequivocally to declare that, having taken an active and attentive part in the proceedings, I never heard a syllable, or saw a letter, referring in any way to a grant of conditional titles, to which, as a member of the Court of Directors, I have ever been so decidedly opposed; that, had the principle been attempted to be revived in my hearing, I should have considered it the first of duties to have rejected it, and protested against it in the strongest manner. One thing at least is certain. I waited on Mr. Wood, at the Land and Emigration Office, by desire of Lord Stanley, an hour previous to the time fixed for the last interview of the deputation, and there received from Mr. Wood a paper, which he stated to me was a copy of the instructions to Captain Grey on the subject of the Company's land claims. That paper I communicated to my colleagues, and afterwards returned to Lord Stanley at the interview. It was the instructions of the 6th of July, and contained no reference whatever to those of the 27th of June. When the latter was transmitted to the Company, in supposed conformity with the promise given by Lord Stanley, I instantly pronounced them to be totally different; and in order to clear up the question, went on Thursday last to the Colonial Office, where I saw Mr. Hope, and told him that I had an impression, amounting to absolute conviction, that they were not the same, and only hesitated positively to affirm it from an unwillingness to admit the possibility of intentional substitution. And, in order to remove all doubt, I asked to see the original document, placed in my hands on the 4th of July, and returned to Lord Stanley. On its being brought, I immediately identified it; and it is not pretended that it contained any reference to the instructions of the 27th of June. Mr. Hope then said, that these latter papers 'had been sent in a hurry by mistake,' and permitted me to take with me the instructions of July 6, without the slightest intimation that he supposed I was acquainted with the others, which again I declare, upon my honour, I was not. I write in great haste, but hope my explanation will be intelligible. It is truly mortifying to me, after the especial pains I thought I had taken to avoid any repetition of former misunderstandings, to find myself placed almost in antagonism with Lord Stanley on a point of veracity. I have the most unhesitating confidence that his Lordship is utterly incapable of asserting intentionally an untruth. Those to whom I am known will, I am sure, do me equal justice; and I must, therefore, leave this unlucky discrepancy in our statements to be reconciled in any manner that Mr. Hope's declarations and this explanation may allow to be compatible with honour, which, on my part, I commit to your friendship, assured that you will not allow it to be in any quarter impeached."

He regretted that he was obliged to read such a letter to the House; but he must remark, that he was sure that when hon. Gentlemen saw that so doing was necessary to clear the honour and the character of any Gentleman whose honour and character were implicated by anything which fell from any hon. Gentleman in that House, they would admit that he had done right in introducing both the subject and the letter. He would only now say that Mr. Young made the same statement to them when the papers were transmitted to them, and he now repeated his full assurance that he never heard of the other document. He had no reason to doubt the perfect accuracy, so far as his recollection served him, of the Under Secretary. The despatch of the 26th of June was confined to two or three points; one, the settlement of the Company's claims to the land, the other points referring to the government of the Colony, whereas that of the 6th of July was confined solely and wholly to the claims to land. In the letter, enclosing the despatch of the 27th of June, it was stated that the deputation had that day an interview with Lord Stanley, and that his Lordship placed in the hands of the deputation the instructions issued to Captain Grey on the subject of the Company's claim to land. Having stated this much he would now resume his seat, without offering another remark.

Sir *R. Inglis* rose to explain, but the cries for a division were so loud and so general, that the hon. Baronet's explanation did not reach us.

Mr. *G. W. Hope* begged to be allowed to offer a very short explanation as to what had fallen from the hon. and learned Gentleman. As the House would perceive, if they looked at the Papers, there were extracts, and there was also a complete despatch. The complete despatch was placed in the hands of the deputation, and was taken away by the deputation. That was the document which Mr. Young had had

in his hand. When application was made for the extracts, it was pointed out to him, in the minutes of the meeting, that his Lordship had placed in the hands of the meeting the instructions to Captain Grey. He (Mr. Hope) consequently directed the extracts only to be sent. Mr. Young alleged that they were not what he had possession of, to which he had answered that it certainly was not. There was no intention to deceive Mr. Young or anybody else.

Debate adjourned.

SLAVE TRADE (BRAZILS).] On the Motion for going into Committee on the Slave Trade (Brazils) Bill,

Mr. *M. Gibson*, looking at the Bill as a penal act against the Brazilians, thought it of importance that all the correspondence relating to it should be laid on the Table of the House, and with this view moved its committal on a future day, in order to give the Government an opportunity of producing the correspondence.

Sir *R. Peel* said, that any delay in passing the Bill through its stages would be most prejudicial to the public service. The main part of the correspondence alluded to was in the Slave Trade Papers. He would postpone the third reading of the Bill, if the House would consent to the Committee being taken, so as to give time to look into the correspondence.

Mr. *Milner Gibson* said, he should not be performing his duty if he allowed the Bill to proceed, and moved that the Committee be postponed till Friday.

Sir *R. Peel* then proposed that the Bill now be committed *pro formâ*, so that the Amendments be printed, the right hon. Baronet undertaking to move that it should be recommitted on Thursday. He had doubts as to the propriety of producing the notice given by the Brazilian Government of the termination of the Convention, and all the correspondence upon the subject; but he would make inquiry, and if, upon consideration, he found that the Papers could not be produced, the debate could be taken on some day subsequent to Thursday.

Bill went through Committee *pro formâ*.

JEWISH DISABILITIES.] Sir *R. Peel* moved that the Jewish Disabilities Bill be read a third time.

Sir *Robert Inglis* protested against the Bill as inconsistent with the Christian character of the Constitution, and moved that it be read a third time that day three months.

Colonel *Sibthorp* entirely agreed with his hon. Friend the Member for the University of Oxford, whom he regarded as a true Christian and Protestant. He would always be happy to record his vote with his hon. Friend against any measure introduced by the right hon. Baronet; and there was no measure which he did not believe the right hon. Baronet, as a Minister, capable of introducing for the spoliation and ruin of the Protestant Church.

The House divided on the Question, that the word "now" stand part of the Question:—Ayes 44; Noes 11: Majority 33.

List of the AYES.

Aglionby, H. A.	Hume, J.
Baring, rt. hn. W. B.	Hutt, W.
Bentinck, Lord G.	Kelly, Fitz Roy
Bowes, J.	Lincoln, Earl of
Bowring, Dr.	M'Neill, D.
Brisco, M.	Masterman, J.
Brotherton, J.	Moffatt, G.
Cardwell, E.	Morris, D.
Clerk, rt. hon. Sir G.	Muntz, G. F.
Cripps, W.	Nicholl, rt. hon. J.
Ferguson, Sir R. A.	Northland, Visct.
Fitzroy, hon. H.	O'Connell, M. J.
Flower, Sir J.	Pechell, Capt.
Forster, M.	Peel, rt. hon. Sir R.
Fremantle, rt. hn. Sir T.	Pusey, P.
Goulburn, rt. hon. H.	Smith, rt. hn. T. B. C.
Graham, rt. hn. Sir J.	Somerville, Sir W. M.
Greene, T.	Thesiger, Sir F.
Hamilton, W. J.	Warburton, H.
Hamilton, Lord C.	Wawn, J. T.
Hawes, B.	
Herbert, rt. hon. S.	TELLERS.
Hinde, J. H.	Young, J.
Howard, P. H.	Mackenzie, W. F.

List of the NOES.

Acland, T. D.	Hope, A.
Borthwick, P.	Pringle, A.
Buller, Sir J. Y.	Spooner, R.
Darby, G.	Tollemache, J.
Dawnay, hon. W. H.	TELLERS.
Dickinson, F. H.	Inglis, Sir R. H.
Henley, J. W.	Sibthorp, Col.

Bill read a third time and passed.

House adjourned at two o'clock.

HOUSE OF LORDS,

Tuesday, July 22, 1845.

MINUTES.] BILLS *Public.*—1ª· Church Discipline Act Repeal; Railways (Selling or Leasing); Highways; Bonded Corn.

2ª· Geological Survey; Silk Weavers.

Reported.—Art Unions; Militia Ballots Suspension; Turnpike Acts Continuance; Unlawful Oaths (Ireland); Colleges (Ireland).

3ª. and passed:—Loan Societies; Apprehension of Offenders: Turnpike Trusts (South Wales); Highway Rates.

Private.—1ª. Brighton, Lewes, and Hastings Railway (Hastings, Rye, and Ashford Extension).

2ª. Yoker Road (No. 2); Dublin Pipe Water; South Eastern Railway (Tunbridge to Tunbridge Wells); Birmingham and Gloucester Extension Railway (Stoke Branch); Shrewsbury and Holyhead Road; Marquess of Westminster's Estate.

Reported.—Gravesend and Rochester Railway; South Eastern Railway (Greenwich Extension); Londonderry and Coleraine Railway; Cromford Canal.

3ª. and passed:—Lutwidge's (or Fletcher's) Estate; Tacumshin Lake Embankment; Aberdeen Railway; Bermondsey Improvement; Sheffield Waterworks; Edinburgh and Hawick Railway; Edinburgh and Northern Railway; Caledonian Railway; Clydesdale Junction Railway; Dundee and Perth Railway; Newcastle and Berwick Railway; Scottish Central Railway; London and South Western Metropolitan Extension Railway; Scottish Midland Junction Railway.

PETITIONS PRESENTED. From General Assembly of Free Church of Scotland, and from Haddington, and several other places, in favour of the Universities (Scotland) Bill.—From Presbytery or Synod of Munster, in favour of the Colleges (Ireland) Bill.

SCOTTISH UNIVERSITIES.] The Marquess of *Breadalbane* presented several petitions from places in Scotland, praying for the abolition of all religious tests in the Scottish Universities. One of the petitions was from the General Assembly of the Free Church of Scotland, which embodied several resolutions in which the exclusion of all religious tests was not advocated, but in which the petitioners expressed themselves strongly against the exclusive system now sought to be revived by the members of the Established Church in that country. He begged, in presenting these petitions, to express his sincere regret, that the measure which had been brought forward in the other House of Parliament for remedying this grievance, had been lost by the opposition of Her Majesty's Government; though they had originally expressed themselves favourable to it. The Scotch Colleges would now afford education to but a comparatively small portion of the population; whereas, if the Bill to which he had alluded had passed, they would be able to afford the most important benefits to the people generally. In his opinion, the speech of the noble Lord opposite (Lord Stanley), in introducing the Irish Colleges Bill, was the very best introduction that could have been made to a measure for Scotland.

Lord *Stanley* denied that the Government had acted inconsistently with regard to Ireland and Scotland. They required no new test in the latter country; and they expressed their determination to maintain the existing test in the case of the University of Dublin. He must, however, decline entering into the discussion of a measure which had been rejected in the other House of Parliament, and which had not come under their Lordships' consideration.

Lord *Campbell* repudiated the idea of reviving a law that had been allowed to lie dormant for more than a century; and under which his esteemed friend Sir David Brewster—a man whose reputation was European—was in danger of being turned out of his office.

BREACH OF PRIVILEGE—IRISH GREAT WESTERN RAILWAY.] Lord *Brougham* said, he had a question of privilege on which to claim their Lordships' attention, which, of course, had precedence of all others, including that which his noble Friend had just brought under their notice. It was known to their Lordships, that he was one of those—forming, he feared, a minority in their Lordships' House—who entirely disapproved — who on principle disapproved—of all violent and forcible exercise of what were called the privileges—but what he would call rather the powers than the privileges—of Parliament; and that, consequently, he confined his objections to the exercise of those privileges, to certain cases where they were not used in the nature of remedies, or removal of obstructions; but that he, at the same time, constantly—and so did many noble Lords, noble Friends of his, who agreed with him—entirely approved, as of necessity they must approve, of the existence and exercise of privilege, where it was confined to removing obstructions to their Lordships' proceedings. Whether the case which he was about to bring before their Lordships fell within that description or not, he would not say; but after the course which had been recently taken within the present Session, and only a few days ago, he felt it to be his bounden duty, that he should, even if he were not the person individually concerned in this breach of privilege, bring it under their Lordships' attention. It was necessary to state, before he read to the House a statement which had been published in a newspaper, that they took notice elsewhere, as he was informed by common report, not only of what passed in their Lordships' House, but even in their Select and Secret Committees, designating the very persons who had spoken, and commenting on the speeches made. He did not choose to retaliate by taking any notice whatever of what passed in the other House, unless he

happened to see it reported in the Votes. But when he perceived this publication, he could not remain silent respecting it. So gross a fabrication, and so scandalous a libel on the other House of Parliament—not only on a Member of the House, but on the House itself as a body—could not well be imagined. He knew that the other House could protect itself, and defend its own privileges, and that without any interference on the part of their Lordships; but still the subject was one, he was prepared to show, worthy of their Lordships' notice. Some weeks ago, he was informed by the Votes of the other House that a Railway Bill having been reported against by the Standing Orders Committee, for almost innumerable breaches of the Standing Orders, that Report was received by the House; and then a Member of the House, as he perceived also by the Votes, of the name of Mr. Fitzstephen French, came down, and made a Motion to rescind the Resolution, and to allow the Bill to proceed. He was reminded by his noble Friend near him (Lord Monteagle), that the name of the hon. Member was not mentioned in the Votes; but, at all events, a Member made a Motion to rescind the decision of the Committee, in consequence of the narrow majority by which it had been obtained; he had, however, reason to know, and that from matters which occurred out of the House, who the hon. Member was. He took notice of what he had seen on the Votes of the other House in his place in Parliament, in order to give the parties concerned what he thought was a humane, and considerate, and generous warning, in order that they might not be throwing away their money in support of the Bill; because if, as was not improbable, it would be found that the Standing Orders of their Lordships' House, as well as those of the other House of Parliament, had been violated, no majority of their Lordships would be found to rescind the vote of their Committee. After that announcement, he was waited upon by Mr. Fitzstephen French; and that fact, though not recorded in the Votes, he knew of his own knowledge. He, or a person calling himself Mr. Fitzstephen French—for he had not the honour of knowing the Gentleman previously—waited upon him (Lord Brougham) on the subject. He would say nothing of the unduly complimentary terms which the Gentleman applied to him; of the great power and weight which he possessed; and of the somewhat exaggerated, and almost fanciful terms in which he described the power which he (Lord Brougham) was likely to have in this matter. He gave Mr. Fitzstephen French credit, as he did now, for being exceedingly anxious on the matter; he had no doubt whatever but that it was from a purely generous and public principle, that he took so great an interest in the Dublin and Galway Railway; and that if he was the Member who had given the Notice to induce the House of Commons to rescind the vote of their Committee, he did so from a highminded feeling—that, in fact, he had no more concern in the project as a director or shareholder, than he (Lord Brougham) had; but that he thought on the matter as he believed it to be his duty as a good Irishman to do. He had been willing to give him (Mr. F. French) credit for these patriotic feelings; but he had since discovered that this person was actually one of the directors of the Dublin and Galway Railway Board; and he also found out, in the course of the inquiry that had been delegated to him, that all these directors took shares as a qualification for their office. He had found, too, that almost all the directors took, besides the twenty shares which it was necessary for them to hold as a qualification, five hundred shares each over and above, that they might be more certain of having an interest in its success. But he had likewise discovered that the invariable rule followed by almost all these directors was, the very moment they got these five hundred shares, to keep just twenty of them, necessary for their qualification, and to sell the others. In that way, it appeared that one gallant officer, a gallant general, made no less than 700*l.* or 800*l.*, as well as, of course, at the same time, gratifying his patriotic feelings towards Ireland; and that these directors were thus sellers of their shares, and that they profited thereby. He did not blame them; but they had seen lately two gentlemen most severely visited for interfering in railway shares, as if they were the only persons who had ever done anything of the kind; whereas it was upon the evidence of the very Committee by which they were condemned, that others without number had done the very same thing, without being condemned; and, in fact, all that had been done by those who were so complained of was, that they received shares as a compliment, after the thing was over; nor did it appear, that their vote or interest was ever affected in the slightest degree by any

previous bargain. He stepped aside willingly to do this act of justice to individuals who had been oppressed by a Pharisaical purity, which had lately been got up on the subject of railways, and which, before the Session was over, would be found to be misplaced. It was more agreeable to him to do justice to them than to himself on the present occasion. He drew a distinction, however, between them and those persons who made Motions to get majorities in favour of certain Bills, and who voted themselves, as if influenced by patriotic principles, while they were at the very time shareholders in the projects which they supported. If Mr. Bonham and Captain Boldero had done that, he should regard their conduct in a very different light from that in which he now viewed it. However, when this gentleman, Mr. Fitzstephen French, applied to him, he threw himself on his protection. He (Mr. F. French) called it mercy; for he said, that if they were great and powerful, he hoped they would also be merciful. He added that he adopted the course which he had taken, in consequence of the absence of his noble Friend then behind him (the Marquess of Clanricarde), thereby meaning to insinuate that the noble Marquess was as fond of the Bill as he was himself; and that if he had been present, he would have been a party to the application. He had never seen this individual before, and he had scarcely met him since. His answer to him was, that he should wait till he saw the Bill; and that the parties would find it difficult to get over the Standing Orders; and that their Lordships allowed no canvassing on Private Bills; that he could have no communication with him except what was official and public; but that he should be happy to receive any useful suggestion to guide him. Their Lordships would recollect that a noble Friend of his had presented a petition from a gentleman and banker of the name of Pym, which complained that the share list of this Company had been made out by inventing names, and signing falsely signatures for others, who had given no authority for doing so, and that thus the Standing Orders of their Lordships' House had not been complied with. So great a fraud, alleged to have been practised by any parties in their Lordships' House, led to an immediate appointment of a Committee to inquire into the matter. He had the honour of being one of that Committee; and in his capacity of a Member of the Committee he had had communication with two individuals. One of these was Mr. Smith, who was parliamentary agent for the petition, and against the Bill; and the other was a Mr. Croucher, of whom he knew nothing, but who had given him a letter on the subject, which he had put in his pocket, and had never read to this hour. The other papers he had received he had handed to the Chairman of the Committee (the Earl of Besborough). They were, under the Orders of the House, to receive this information; they could not choose but receive it, and they acted upon it. They then sent for Mr. Smith and Mr. Croucher, and desired them to point out the names which had been forged, fabricated, or signed by the persons nominating. He pointed out some eight or ten cases, into every one of which the Committee minutely inquired. In the course of this inquiry the name of Fitzstephen French occurred, and the very question at which he took such grievous offence was not put by the Committee themselves, but read from a paper of Mr. Pym, whose charges against the railway shareholders and brokers the Committee were commanded to inquire into. He (Lord Brougham) was about to read that which appeared in a morning paper of that day, *The Times*, and which he should presently state his reasons for believing to be a gross fabrication. It purported to be the report of a debate in the other House of Parliament—pretended to be, but he should say falsely; and he would presently show why he called it false, not merely technically, but substantially:—

"Mr. French considered that the House was perfectly correct in watching with a jealous eye the conduct of those to whom it delegated its authority. He would state this generally, as it appeared to him that it should not be limited in its application to parties only who had been mixed up in pecuniary transactions. There were other still greater delinquencies than any that had been alluded to that evening. Could the House for a moment conceive the person who had been selected, in this or the other House of Parliament, as a judge, placing himself in secret communication with the agent of one of the parties—receiving and acting upon information he acquired in this manner from the individual who had been selected to get up the opposition to the case he had been appointed to try—browbeating every witness brought up by those who were defending themselves—having the indecency, in a railroad case, to demand whether their shares were at a premium? and, being answered in the affirma-

tive, declaring he would 'take care to have them at a discount;' and, ultimately, suppressing the evidence which disproved the case he was anxious to establish? Would not the case be worse if this individual had once occupied a high legal station? Perhaps you will tell me that conduct such as this can only be accounted for by the individual being fitter for being placed as an inmate in a large establishment at the other side of the water, than for occupying a seat in either House of Parliament. Conceive a Company placing before him every document in their possession, in reference to the case—the minute-book of all their proceedings—their bankers' accounts, showing all their money transactions, and into which the Company courted an investigation, tendering their Chairman for examination, whom he refused to call, but behind his back basely attempted to calumniate, asking, 'Had he ever been a candidate for a lucrative employment in a rival railway?' Possibly such a question should be regarded with contempt, as coming from one who had shown himself incapable of either thinking, acting, or speaking, as a gentleman; but as he (Mr. French) was the person about whom this question was put, and feeling that, was there the slightest foundation for this base and dastardly insinuation, he should be unworthy of a place amongst them, he had deemed it his duty to call their attention to the fact. The individual about whose conduct he had spoken (and he was prepared to establish every statement he had made) was Lord Brougham and Vaux, and the case the Dublin and Galway Railway."

He thought he might well ask their Lordships if ever they had seen, in the whole course of their lives, a more foul and libellous, and he was about to show it to be false—but had they ever seen a more foul and slanderous attack on any individual? And this attack was upon an individual not volunteering his services, but compelled by their Lordships, ordered to attend a Committee, and obliged, in the execution of that duty, to put questions, whether he would or no. The Committee were obliged to put the question alluded to, because Mr. Pym the petitioner had written it, and given it to the Committee, and it was from his handwriting that they had put it. In the whole course of the proceeding they had acted in every respect according to the strict rules of legal evidence known in all the courts of justice. Now, the first thing alleged was this, "Could the House for a moment conceive the person who had been selected in this or the other House of Parliament as a judge"—that was utterly untrue, it was an absolute and entire blunder and confusion of ideas. He was placed in an inquisitorial, not a judicial situation. They were a Committee appointed to inquire into and report the result of their inquiry, and their Lordships and the Committee on the Bill alone were the judges; but, it went on to say, "placing himself in secret communication with the agent of one of the parties, receiving and acting upon information he acquired in this manner." He refused all communication on the subject; he received letters which he did not read, and refused to speak to Mr. Smith or Mr. Croucher; but that was accidental, for he had a perfect right to speak to them. They did not want to get secret information behind people's backs—they only wanted to know what witnesses they were to call, and it was his business to examine into that. He never had the least secret communication with any human being whatever on the subject. "Browbeating every witness brought up by those who were defending themselves." That he sharply examined one or two witnesses was true, and if he had not so examined them the truth would have been concealed, delinquencies would not have been brought to light, and great culprits would have escaped. It was proved that the names of persons who never had been in existence were forged; that he sharply examined any one excepting the person from whom he obtained those facts, and one or two agents of the Company who he saw were giving unsatisfactory answers and fencing the questions, was perfectly untrue; that he browbeat any one of those witnesses was utterly false—if he had attempted to do any such thing the noble Chairman and the rest of the Committee would at once have checked him. And here it might be right that he should step aside and say that he had no interest against the Dublin and Galway Railway; that he knew nothing of that or any rival Company; and that he never was concerned with any railway except in one instance, and that was twenty years ago, when he held twenty-five shares in a railway for a few weeks, having been desired by some gentlemen of the town of Liverpool to patronise it, by giving his name (having been connected with the town), but he disposed of them as soon as he could. "Having the indecency in a railroad case to demand whether their shares were at a premium,"—(it was one of the very things to be inquired into)—"and being answered in the affirmative,

declaring he would take care to have them at a discount;" as if he could have done so! It was evidently untrue—if he had said anything at all. He said, probably, that when this evidence came out—evidence of a parish pauper who could not read and write being put down as having paid 175*l.* deposit, and having an allotment of shares to the amount of 7,500*l.*—it was probable they would soon be at a discount—that would be a very natural observation. "And ultimately suppressing the evidence which disproved the case he was anxious to establish." That was impossible; and if any man of common sense, not being in a violent fury when he wrote this, had reflected for a moment, he would have seen that no Member of a Committee had the power of suppressing evidence. But he would tell their Lordships what this passage meant, and a most precious jumble and falsification it was. After the Committee had seen how all these things were done, a witness was produced to show that what had been done with reference to the Dublin and Galway Railway Bill was done in all other Railway Bills. They said it might be wrong, but there was no peculiarity in it; and to prove this they produced Mr. Joseph Parke, an attorney, very well known about the Houses of Parliament as an attorney. He was produced in the extremity of the case to give his evidence. He appeared totally unconnected, and it was supposed that he had no connexion with this railway at all; but the manner in which he gave his statement led him (Lord Brougham) to believe that he was connected with the railway, or, at any rate, that he had a great feeling for it. Be that, however, as it might, he told the Committee that this sort of thing was done every day; that it was done on the York, on the Western, and on other railroads. He was asked whether he knew this of his own knowledge; and his reply was, that he had been connected with the lines only when before Parliament; and when he was further asked whether he had anything to do with the issuing, the allotment, or the giving of shares, his answer was,—"Oh no, I had nothing to do with the lines before they came before Parliament." He was ready to vouch for what he believed to be the truth, but he knew nothing about it; he knew nothing except from hearsay; and it was clear the Committee could not take that as evidence. This gentleman had not been sworn, but, if his evidence had been of value to either side, he would indisputably have been sent to be sworn, and then his evidence would have been received. Finding, however, that he knew nothing, the Committee saw he could tell nothing; and, if he had been sworn fifty times over, he could not have given hearsay in evidence, and, consequently, he was not sworn and not examined. But Mr. Parkes put the Committee in the way of obtaining evidence; for when he was asked who would probably be able to give evidence on the acts of the York Company, his reply was, that most probably the secretary could. The secretary of the York Company was accordingly sent for by the Committee, who thoroughly believed from Mr. Parkes's statement, that he was coming to speak for and to bolster up the agents, the secretary, the attorney, and the brokers. The next day the secretary of the York came and was sworn, and anything equal to the contrast and the striking difference between the proceedings of the York Company, with its respectable directors and secretary and agents, and this Dublin and Galway line, he had never in his life seen, and it was impossible to conceive. This showed the small use of the examination of Mr. Parkes, for Mr. Parkes thought they had done the same thing. With respect to the Dublin and Galway Railway, out of 970 applicants for shares, only 111 had given any reference as to character or solvency; whereas, the rule of the London and York was never to receive any applications for shares without a reference; so that all the rest of the applications beyond the 111 would have been thrown in the fire by the London and York. But it was not so with the Dublin and Galway. What, however, did the House think this Company did with these 111 cases? The London and York sent a man about for more than six weeks, making inquiries and asking whether the individuals were such as they had themselves described. He gave his report, and according to that report the shares were allotted. What did the Dublin and Galway do? Did they examine into these 111 cases? They made inquiry as to just twenty-nine. Of these twenty-nine they found that about fourteen, or one-half, gave false and fictititious accounts, that they were unknown at the place to which references were made, or that they were paupers. Therefore, they stopped; they did not inquire into the other eighty cases, fearing, no doubt, that if they proceeded further they might fare worse. They proceeded, therefore, to make their allotment of shares,

and amongst others to Margaret Meredith, who was described as of Lower Tooting, Surrey, with the memorandum, "Inquire of Mr. Edward Bayley, Stockwell, Surrey." Did they inquire? No; because said Mr. Heseltine, he thought a respectable address was given when it was Lower Tooting, Surrey. So that every resident of Lower Tooting was held fit to receive an allotment of 7,500*l.* shares, and capable of paying a deposit of 175*l.* This party, however, happened to be a pauper, and when she was asked whether she had written the application, she replied she could only say she could not read it, for she could never read or write in her life. But there was the broker's certificate of her respectability, and shares were allotted her. Among Mr. Heseltine's, the broker's, certificates, also, was that of Mr. Penton, a person who had never existed at all, and of a man who had been for six years in the West Indies, and knew nothing of the application. All these were duly certified by Mr. Heseltine, the broker, and were declared respectable. The way in which the applications were examined was, that as the 1st of November was a leisure day, the broker sat down at the office and examined 800 or 900 of them in four hours, giving about twelve seconds to each. He only wished that other business could be despatched with equal facility in an equally short space of time. That was the result of the comparison between the London and York proceedings and the proceedings of the Dublin and Galway Company. Was he right, then, in saying that to talk of suppressing evidence was not only not the truth, but was the very reverse of the truth? The Committee had sent for the witness, whom all expected to give evidence in favour of the Company, and he had given this damning evidence. Then it was complained that the question was put, "Had he ever been a candidate for a lucrative employment in a rival railway?" Why, there was no slander in putting that question; but it was no question of the Committee's own—it was still existing in the handwriting of the petitioner whose petition was referred to the Committee. Now with respect to General Caulfield. It was supposed that he had been sharply examined; but he left the Committee Room, after the second day's examination, perfectly satisfied. On the first day of his examination, indeed, he made but a poor figure; but no question was put which was not respectful to that respectable individual, and he believed that, after the second day, he left the Committee perfectly satisfied, as might be seen by the last question and answer of the last examination. These were the facts of this case, and he would add only one other circumstance. It was a singular thing that there should be a very accurate account given in the newspaper of this speech, and he much doubted whether the words were heard in the place where they were pretended to have been uttered. In the paper which he saw, it was stated that "the hon. Member spoke in so low a tone of voice as to be quite inaudible," and others had told him the same thing; nevertheless the speech was given at full length. Now, he warned some people of one thing—that they were protected for what they said in Parliament, but they had no protection in printing their speeches. Lord Abingdon had been sent to prison for having printed and published a speech he had delivered, and Mr. Creevy was also punished, though he published his speech, *optimâ fide,* to protect himself against a gross misrepresentation of what he had said, which was more libellous than what he published. He (Lord Brougham) was his counsel, but he was nevertheless convicted, and when the House of Commons was called upon to interfere with the matter as a breach of privilege, that great upholder of privilege, Mr. C. W. Wynn, declared that it was no privilege. There was another salutary warning he would give for the benefit of the newspapers. It was no defence for a newspaper, if it printed a libel on any man, to say that it was uttered by a Member in his place in Parliament. God forbid that such a defence should be good; for if the 1,100 Members in that and the other Assembly could with impunity utter these, or any other words, and if with impunity the newspapers were allowed to publish what was so uttered, this country would be intolerable. It was quite as well that he should state this. Then came the question what were they to do in this case? He left that question in the hands of their Lordships. They held the doctrines of privilege, and he was anxous to see how the privilege men would act in this case. They had lately decided that a Committee of that House could not discharge its duty unless the witnesses who should give evidence before them should be protected; possibly their Lordships might think it quite as necessary to protect the Members of the Committee; he knew not whether

they would so think, but he left the case in their hands. If they chose, they might allow a newspaper to print anything. His opinion was, that the courts of law were the proper places for redress, and he for one would proceed before them rather than in that House by force and power. One word more as to whether this pretended speech was ever delivered. He was disposed to think that it was not. He entertained a high respect for the Commons' House of Parliament; he held in high respect their privileges when they were not exceeded; he held in high value their powers, which were just and right, when they were not abused; he venerated that body as the popular branch of our mixed institutions; and he knew it to be the most essential of all. Therefore, he who knew how high the privilege doctrines were there held—he, who knew that their Lordships held their privileges high, but the other House of Parliament held them higher still—he, who knew that they had lately fought with the courts of law, and although beaten for a moment had afterwards gained the victory—he, who knew that the Commons had threatened even to proceed against the Judges of the land whom their Lordships had never menaced—he, who knew that the Commons held this as the corner stone of their privileges, namely, that those privileges were not confined to one House, but common to both—he must believe that, unless he should cease for ever after to respect that House of Parliament, unless all the veneration he had felt should no longer be entertained for that House as at present composed, but for an ideal and abstract House as it ought to be composed—he who held that House in veneration until they should by their own deeds make it impossible for him any longer to respect them—he, therefore, knew that the Commons must give their Lordships the same privileges which they arrogated to themselves, and in proportion as they were high privilegians they must be most cautious and most tremblingly alive to sanctioning any breach of their own privileges. Gracious God! could he, with those feelings, for one instant believe it possible that such ribaldry as he had read to their Lordships was suffered to be spoken in that House, against a Peer of Parliament acting upon a Select and Secret Committee, and not one word of reprobation, of censure, of reprimand uttered? Did the House of Commons hear those words—could they have heard them—could they have heard any man, however much he was to be pitied for the fury into which his passions had hurried him—whether they were sordid passions arising from disappointment of expected gains, or whether it was passion arising from a less reprehensible and despicable motive—he meant the wrong-headed notion that the question of which complaint had been made impugned the character and conduct of the individual to whom he had alluded, whilst it had not the remotest tendency to cast a slur upon him? But whether in one sense or the other, that House was bound, if they heard those words, and if they meant ever to talk of privilege while they had any existence, they were bound, he said, to protect their Lordships, and the Members of their Secret Committees, from the foul abuse which was represented to have been thus uttered in their presence. But what followed? At the end of the last sentence were these words, there being no reprimand from the chair, no Motion that the words be taken down, no censure, no disapproval, not one word, not even a whisper—"the Motion for the production of the letter was then agreed to." Therefore he said that this which was so represented to be said, must be falsely represented: he would not believe that the House of Commons had heard those things. He must believe that either the words were not spoken, and were a fabrication, or that if spoken they were not heard by the House, as the other papers said they did not hear them; or that if they were heard, it was so indistinctly that no one knew well what the matter was they contained; and that supposition alone made it possible for any one who wished to retain a vestige of respect for that House of Parliament to believe, if the words in question had been heard, that they had been allowed to pass without any animadversion. With these observations, in which he trusted he had said nothing to wound the feelings of any man—he had cautiously abstained from any offensive topic, unless where he was bound to say that gross falsehoods had been stated—probably from some misunderstanding, misconstruction, or misinformation—for there were agents before the Committee, but none of the parties in question—with these observations he would leave the question in their Lordships' hands.

The Earl of *Besborough* said, he wished to correct one error of the noble and learned Lord. It was not a Select and Secret Com-

mittee, but a Select Committee, from which all persons were excluded except the witnesses and parties admitted by leave on both sides. On the first day on which the Committee met, the agents put into his hands, as chairman, the names of certain witnesses whom they wished to have summoned before the Committee. On the second day they put some papers into his hands, with observations as to the mode in which those witnesses were to be examined. The agents for the opposition party also stated to him that, as the agents of the promoters had been admitted on the first day, they thought it would be but fair that they should be admitted also; and accordingly they were admitted. Those were the only persons admitted. Observations were made opposite to each name. His noble and learned Friend examined the witnesses from the Papers before him; and he had no doubt that all the questions, or the main purport of them, were found in those Papers. The agents of the promoters of the Bill applied to him for a copy of the Paper containing the heads of observations; he told them he could not give it them without consultation; and the agent for the Bill had, he believed, afterwards been furnished with a copy of the observations which had been handed to the Committee for the examination of the witnesses. With reference to the suppression of evidence, he must confirm the statement of his noble Friend. The gentleman was called in, who gave a detailed statement of certain facts, and when he was asked whether he knew them of his own knowledge, or had only heard them from others, he stated that he had heard them from others. Therefore he (the Earl of Bessborough) ordered the shorthand writer to strike this evidence out of the evidence. A gentleman gave a detailed statement of facts, but said he did not know them of his own knowledge. He could only say, that with respect to the whole case, he was sure he should be borne out by the other noble Lords who were on the Committee, when he said that the proceedings were conducted in the fairest way to all parties. An application was made to him to send to the House of Commons to ask for leave to examine Mr. Fitzstephen French; the Committee, however, were of opinion that it was not necessary, but they did not come to that decision from any disrespect to that gentleman.

Lord *Brougham* wished to add that he had delivered in the Papers containing suggested questions without reading them: the inkstand was before his noble Friend, and the Papers laid across the table between him and the inkstand. The reason why Mr. French was not examined was, that there was no charge whatever against him. The question whether he had not canvassed for a lucrative employment, which had needlessly excited so much irritation, was negatived, and he (Lord Brougham) did not think it signified a straw, or he should have examined him.

The Earl of *Wicklow* said, that after the statement of his noble Friend, he could not but feel persuaded that as gross a breach of privilege as he had ever known, had been committèd. It was impossible for their Lordships to abstain from taking notice of it; but what notice ought to be taken he had not had sufficient experience to give an opinion. After such a case had been brought forward in so strong a manner, and after the noble and learned Lord had so completely succeeded in vindicating himself from the outrageous attack made upon him, it was necessary for the House to determine what farther steps ought to be adopted. Much depended upon the wishes of the noble and learned Lord; but if he left the matter in the hands of the House, it seemed to him (Lord Wicklow) that it would be right to summon the printer and reporter of the *Times* newspaper to the bar, that their Lordships might know whether it was or was not a correct report. Other newspapers stated that the hon. Member delivered himself in so low a tone that his words could not be taken down; therefore it was fit, in the first place, to ascertain whether the words imputed had or had not been spoken. Under any circumstances, it was a gross breach of privilege — an attack made upon a Member of the House of Lords, in the execution of his duty in one of the Committees. It was the duty of the House to protect him.

Lord *Brougham* suggested that it was too serious a matter to be hurried. He thought there should be no further proceeding in it that day.

The Duke of *Wellington* remarked, that the subject required a good deal of consideration before the House decided what course it would adopt. The proposition of his noble Friend was, that the editor of the newspaper should be called to the bar.

The Earl of *Wicklow* interposed that he say that he had only suggested such a course, not submitted it as a proposition.

The Duke of *Wellington* wished to observe upon it only as a suggestion. The

question to be asked of the editor must be, whether he had or had not been guilty of a breach of one of the privileges of the other House of Parliament? Whether he had published what was or what was not said in the House of Commons? The answer in either case would implicate him in a breach of privilege. He begged to suggest to their Lordships that the farther consideration of the subject ought to be adjourned till Thursday, in order that in the meantime the best course of proceeding might be considered on what seemed to him a very grave case.

The *Lord Chancellor* observed, that the printer of the newspaper might be asked generally from what source he derived his information.

The further discussion was then adjourned till Thursday.

COLLEGES (IRELAND) BILL.] Moved that the House do resolve itself into Committee.

Lord *Stanley* said, that he had a trifling Amendment to propose in relation to the proviso of the 14th Clause, which proviso was somewhat at variance with the Clause. It had reference to the lecture rooms for religious instruction, and he proposed to retain the proviso that no pupil should be required to receive any religious instruction but such as was approved by his parents or guardians. He would take this opportunity of alluding to the suggestion of a noble Marquess (Marquess of Lansdowne) last night, that Ministers should give the new Colleges the privileges of a University. He admitted that the grant of the power to confer degrees seemed a natural complement of the measure. Ministers were of opinion that it would be incomplete without it; but the question required more consideration than it would now be possible to afford to it. Perhaps the most satisfactory course, on some accounts, would be to affiliate the new Colleges with Trinity College, Dublin; but their Lordships would be aware that there were difficulties in the way of such an arrangement. Then came the question whether the new Colleges ought not to be associated as a separate University, the general meeting to be held either at a distinct place or alternately at one of the Colleges. It would obviously be highly desirable, upon this and other points, that the opinions and wishes of the governing bodies should be ascertained, and for this and other reasons, delay seemed not inexpedient. Ministers had this object distinctly in view, and, as he had stated already, without the attainment of it the measure before the House would be imperfect.

The Marquess of *Lansdowne* was quite satisfied with the explanation of the noble Lord, and was extremely glad to find that what he had suggested, had already been contemplated by Her Majesty's Government. He could easily understand why the object could not be accomplished in the present Session; but he hoped that it would be kept constantly in view. He entertained a very confident opinion that it would not be desirable to place one of the Colleges at the head of the others, but some neighbouring town or even village might be selected as a central position for all. The manner in which University and King's Colleges, London, had been affiliated and formed into one University, would form a useful precedent to guide Ministers in their design to raise the new Irish Colleges into a separate University. If he did not propose any Amendment to the Bill on the subject of the appointment of professors, it was because the arrangement giving the choice to Ministers was only temporary.

Lord *Campbell* would only offer one suggestion. It appeared that Ministers intended to endow several new Colleges in Ireland; three had been previously spoken of, but last night four were mentioned.

Lord *Stanley* said, that what he meant was, that in future there would be four Colleges in Ireland.

Lord *Campbell* added, that his suggestion was, that instead of three new Colleges only one should be founded. Great difficulty might be experienced in establishing three Colleges at once, and he doubted whether a sufficient number of pupils would be obtained in the first instance. If only one general College were opened, Episcopalians, Presbyterians, and Roman Catholics, would be brought together and united in one common pursuit of knowledge, and they might form friendships which would last for life. The manner in which the whole of Ireland would soon be intersected by railroads, would remove all difficulty of conveyance, and the pupils from all quarters might be collected in one establishment. To this establishment the power of granting degrees might at once be given, and it might

be raised to the dignified position now occupied by Trinity College, Dublin.

The Marquess of *Clanricarde* could not agree with his noble and learned Friend, and was convinced that the foundation of only one College would not satisfy the wants or the wishes of the people of Ireland. He saw no reason why the new Colleges should not be affiliated with Trinity College, Dublin, and such an arrangement would give the greatest satisfaction to the main body of the people. Trinity College had not had justice done to it, as regarded the number of men of letters and science she had produced.

Lord *Monteagle* entered into some comparative details connected with the new Colleges, and urged that the establishment of a new University was necessary to render the design of Ministers complete. It was very fit that time should be taken to consider the best means of attaining this object; and he apprehended that delay would be attended with no practical disadvantage.

The Earl of *Ellenborough* thought that difficulty would be found in the outset, in procuring a sufficient number of persons capable of filling the office of professor: no doubt Government would use their best exertions, but he doubted how far they would be successful. It was impossible at once to create a College like Eton, or a University like Oxford; lives must pass away before it was accomplished, and reputation could not be conferred by Act of Parliament. The real benefit to be derived from such institutions was the formation of good citizens with kindly feelings towards each other, generated by early association.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 22, 1845.

MINUTES.] BILLS. *Public.*—1°. Service of Heirs (Scotland); Crown Charters, etc. (Scotland); Real Property (No. 5).

2°. Documentary Evidence; Real Property (No. 1); Assignment of Terms; Granting of Leases; Fees (Criminal Courts).

Reported.—Militia Pay; Stamp Duties, etc.; Games and Wagers; Unions (Ireland); Testamentary Dispositions, etc.; Drainage of Estates.

3°. and passed: —Highways; Railways (Selling or Leasing); Lunatics.

Private.—2°. Birmingham Blue Coat School Estate; Molyneux's (or Follett's) Estate.

Reported.—Darby Court (Westminster).

PETITIONS PRESENTED. By Mr. C. Bruce, and Mr. Pringle, from Presbyteries of Arbroath and Kelso, against Universities (Scotland) Bill.—By Mr. F. Scott, from Legislative Council of New South Wales, for Alteration of Laws relating to that Colony.—By Mr. Dennistoun, Mr. C. Buller, and Mr. F. Scott, from several places in New South Wales, for Repeal of certain Acts relating to that Colony.—By Mr. Dennistoun, Mr. Spooner, and Mr. Villiers, from several places, for Alteration of Policy with regard to New Zealand.—By Mr. C. Russell, from Mayor, Aldermen, and Burgesses, of Reading, against Deodands Abolition (No. 2) Bill.—By Mr. Dennistoun, from Merchants, and others, of Glasgow, for Abolishing Privileges of Incorporated Trades (Scotland).—By Mr. G. Hamilton, from J. Dunn, W. Goddard, and R. J. T. Orpen, Solicitors of the High Court of Chancery (Ireland), against Taxing Master Court of Chancery (Ireland) Bill.

The House met at twelve o'clock.

SMALL DEBTS (No. 3) BILL.] On the Motion of the *Solicitor General* the House went into Committee on this Bill.

On the 1st Clause,

Mr. *Wakley* said, he must enter his protest against proceeding with the Bill, because since the Bill was brought down from the other House, thirteen new clauses had been introduced, and three schedules had been added, which hon. Members had never before seen. He should feel it his duty to move that the chairman do report progress, and obtain leave to sit again. He would only ask for one day, in order to consider these new clauses.

Sir *James Graham* said, he was very sorry that, owing to a mistake of the printer, the Bill had not been put into the hands of hon. Members at an earlier period. If the hon. Member pressed his Motion, he (Sir J. Graham) should not think he was doing his duty if he did not at once accede to it. He did not think, however, that there was anything in the new clauses that would be found objectionable, and he would postpone the Bill till Thursday.

Mr. *T. Duncombe* objected very strongly to that part of the Bill providing that the wages of workmen should be arrested in the hands of their masters for the payment of their debts. He objected to that clause operating in any case, except that of yearly salaries. Weekly wages were very uncertain, sometimes more, sometimes less. If that part of the Bill were persisted in, he thought that it would be found to operate to the extreme dissatisfaction of all parties.

The *Solicitor General* said, he thought that the effect of that part of the Bill had been misapprehended by the hon. Member. The clause objected to contained no power for the attachment of wages on their passage from the hands of the master

to the workman. It would only operate in cases where the wages were more than sufficient to supply the means of life, in which case the surplus would be attached, and that only on the order of a Judge.

Sir *J. Graham* said, he had collected from the hon. Gentleman that it would be agreeable to all parties to postpone the Bill till to-morrow.

House resumed. Committee to sit again.

LUNATICS.] On the Motion of Lord *Ashley*, the Lunatics' Bill was read a third time.

Mr. *T. Duncombe* proposed the introduction of a clause limiting the Bill to three years, and from that time to the then next Session of Parliament. The hon. Member again urged his former objections against the payment to the Commissioners of such enormous salaries.

The Clause brought up and read a first time.

On the Motion that it be read a second time,

Mr. *Hume* supported the Motion, because, in his opinion, it was of the utmost importance that the public should see how the Bill worked. He also contended, that, as the Commissioners were to be paid such large salaries, their daily attendance ought to be enforced.

Lord *Ashley* defended the permanent character of the Bill; and contended that it was absolutely necessary to pay large salaries, in order to have men of talent and standing in their professions as Commissioners. In his opinion it was much more economical that the Bill should be permanent.

The House divided:—Ayes 13; Noes, 43: Majority 30.

Clause rejected.

Sir *C. Napier* moved the introduction of a clause to the effect that any parish having a population of 100,000 persons, and rated at a rental of 500,000*l.*, be enabled to erect an asylum for itself.

Clause read a first time.

On the Question that it be read a second time,

Sir *J. Graham* objected to the clause being introduced into the Bill, because it was nothing less than engrafting a new Bill upon the one at present under discussion. In fact, it was subject matter for a private Bill. He also objected to the clause, because it would break up the county rate in favour of the parishes of Marylebone, St. Pancras, and St. George, and be in a manner unjust to the other parishes of the county of Middlesex.

Mr. *Hume* thought that the clause could not with any consistency or fairness be introduced into the Bill, and would suggest that it might be better to introduce a private Bill to effect the purpose of the clause.

Sir *J. Graham* said, he could give no premature opinion on the subject of a private Bill, because he should like to know what the ratepayers of a part of Paddington, who were a portion of the parish of Marylebone, and a very poor portion indeed, would say to the introduction of a private Bill.

Clause negatived.

Mr. *T. Duncombe* protested against the appointment of medical and legal men as Commissioners with such enormous salaries. He would beg to move, as an Amendment, "That the salary be 1,200*l.* a year, instead of 1,500*l.*"

The House divided on the Question that the words "five hundred" stand part of the Bill:—Ayes 32; Noes 13: Majority 19.

Further proceedings postponed.

House adjourned.

After five o'clock,

RAJAH OF SATTARA.] Mr. *Hume* rose to bring forward the Motion of which he had given notice relative to the Rajah of Sattara. He felt, he said, great reluctance to interfere between the House and an adjourned debate, but having arrived at that late period of the Session, if he let that opportunity slip he was afraid—

Sir *R. Peel* said, it was in general very convenient that they should proceed consecutively with an adjourned debate; therefore, with the leave of the hon. Gentlemen, he would ask whether, if the discussion upon the Motion of the hon. Member for Montrose were over in time to resume the debate upon the affairs of New Zealand, the hon. Gentlemen who had other Motions were prepared to give way for that purpose? It would be a great convenience to have it brought to a close.

Mr. *Ewart* was placed in some difficulty by the request. He stood pledged to several parties to bring on the Motion which stood in his name, and he feared another opportunity would not offer during the Session. He stood in a peculiar

position ; but if his hon. Friend the Member for Montrose withdrew his Motion, he would follow his example.

Mr. *Hume* said his statement would be very short, and as it was a matter in which justice had already been too long delayed, he trusted he should be allowed to go on. His object was to move—

"That an humble Address be presented to Her Majesty, that she will be graciously pleased to direct an impartial inquiry into the Charges against Pertaub Shean, late Rajah of Sattara, and also whether he has been furnished with a Copy of the Charges and Evidence against him on which he was, in 1839, deposed from his Raj, and sent an exile and a State prisoner to Benares; and that Her Majesty will be pleased further to direct inquiry to be made into the charges of Bribery and Corruption brought by Krushnajee Sudasew Bhidey (as stated in the Papers recently laid before this House), against Colonel Ovans, whilst Resident at Sattara, and against Baliajee Punt Nathoo, who assisted Colonel Ovans at the Court of Sattara, and is now a Prisoner under the East India Company, as a Sirdar of the second class."

The hon. Member then continued : Sir, I cannot, consistently with what I believe to be my duty, postpone my Motion. I will, however, be as brief as the facts which it is necessary to bring before the House, will allow me to be. I have always been most reluctant to take up the time of the House upon this question ; and have, therefore, waited long to see if Her Majesty's Government would take some steps towards granting to the unfortunate Prince, whose name is now before us, the trial to which the meanest of our fellow subjects is entitled, and always obtains, before punishment is inflicted. When I last brought this subject before the House, it was for the purpose of presenting a petition from the Rajah, the prayer of which I will now read. The injury complained of by the Rajah is stated in the following words :—

"That your Petitioner, for many years a faithful ally, and a great feudatory of Her Majesty's Indian Empire, has recently, by the East India Company's Government, under the accusation of treason and secret hostility —crimes which he never even in imagination conceived—on evidence corrupt and one-sided, as well as inconsistent and contradictory—without a trial, and without the opportunity of self-defence—been despoiled of his throne and dominions, and consigned to exile."

He then proceeds to say—

"With regard to the evidence, oral and documentary, which the whole power and influence of the British Government have been for years employed to procure and accumulate against your Petitioner, it has not been in his power to offer the clearest disproof; because, although he has been pronounced guilty, and deposed upon that evidence, he has been peremptorily denied all knowledge of it."

The Rajah concludes his Appeal to this House in the following words :—

"Wherefore your Petitioner respectfully solicits from your honourable House a consideration of his case, and of the treatment he has received, as well as the high character he has invariably maintained amongst his people and the Princes of India. While he implores from your honourable House that justice which, had his lot been that of a peasant, it would have been his right to claim from the laws of the British realm, he cannot forget that it is as a dethroned and exiled Prince that he appeals to your honourable House. He trusts, that the vast power which has been placed by Divine Providence in the hands of the Government of Great Britain will not be exercised to his continued wrong? and he hopes the injustice and degradation which he has suffered in innocence, will not be permitted to appear on the page of history, to tarnish the glory of the British name, and the conduct and character of that Government in India, towards a Sovereign, once its honoured ally, now its helpless prisoner."

Such, Sir, is the substance of the petition which I had the honour to present to this House on the behalf of the Rajah ; and I should have been well satisfied, if it had led to that impartial inquiry, which is all that either the Rajah or his friends in this country have ever desired. Before I go further, I must beg permission to state to the House in what estimation the Rajah was held previous to the period when the accusations which have been brought against him were first made. At the conclusion of the Mahratta war, which ended with the entire overthrow of Bajee Rao, the Bramin Peishwa, or Prime Minister of the Rajah of Sattara, the ex-Rajah was elevated by the British Government to the guddee, or throne of the Principality of Sattara, and was placed by Mr. Mountstuart Elphinstone under the special care of Captain Grant Duff. I shall now read to the House a letter which was unanimously adopted by the Court of Directors, in the month of December, 1835, and was sent to the Rajah, accompanied by a present of a splendid sword. This letter is as follows :—

"*December 29th*, 1835.

"Your Highness — We have been highly gratified by the information from time to time, transmitted to us by our Government, on the subject of your Highness's exemplary fulfilment of the duties of that elevated situation in which it has pleased Providence to place you.

"A course of conduct so suitable to your Highness's exalted station, and so well calculated to promote the prosperity of your dominions and the happiness of your people, as that which you have wisely and uniformly pursued, while it reflects the highest honour on your own character, has imparted to our minds the feelings of unqualified satisfaction and pleasure. The liberality, also, which you have displayed in executing, at your own cost, various public works of great utility, and which has so greatly raised your reputation in the eyes of the princes and people of India, gives you an additional claim to our approbation, respect, and applause.

"Impressed with these sentiments, the Court of Directors of the East India Company have unanimously resolved to transmit to you a sword, which will be presented to you through the Government of Bombay, and which we trust you will receive with satisfaction, as a token of their high esteem and regard.

"With sincere wishes for your health and prosperity, we subscribe ourselves in the name of the Court—Your Highness's most faithful friends,

(Signed) "W. S. Clarke, Chairman.
"J. R. Carnac, Deputy."

Unhappily, before this letter and present reached Bombay, there had been a misunderstanding between the Rajah and the Bombay Government respecting the title of the former to the sovereignty over some jagheers, or feudal estates, which had been secured to the Rajah by the Treaty of 1819, in the event of their lapsing, by the death of their incumbents, or the failure of heirs by birth, or adoption. This unfortunate quarrel, in which, however, the Rajah was entirely in the right, gave the native enemies of the Prince an opportunity of concocting plots for his dethronement; and these plots were in progress when the Court's complimentary letter reached India. As I deem it of the highest importance that the real character of the Rajah should be known, I will read the testimony which has been given by the political residents or ambassadors at his Court, for a period of twenty years; observing, that these hon. and gallant Gentlemen had the opportunity of narrowly observing the Rajah's conduct and dispositions, from day to day, through the whole of that long series of consecutive years. The first evidence which I shall adduce is that of Captain Grant Duff, who was the Rajah's early adviser and friend. This officer, writing to the Rajah's Vakeel, Rungoo Bapojee, under date the 31st October, 1842, says—

"He" (the Rajah) "never could be guilty of what has been alleged against him. I believe he never for one moment entertained inimical intentions towards the British Government. The whole story of intriguing with Goa, and of corrupting the sepoys, I also believe the Rajah had nothing to do with, and I think his deposal was impolitic and unjust. I have always said, that, judging from all I ever knew of the Rajah, I do not believe him guilty of the silly crimes with which he has been charged, and for which he has, in my humble judgment, been unjustly set aside."

The next evidence is that of Major General Briggs, who succeeded Captain Duff, and was at the Rajah's Court for more than four years. This testimony was borne so recently as the 18th of last month (June) in the Court of Proprietors, and is in reply to a charge of immorality brought against the Rajah, by an infamous Brahmin of the name of Ballajee Punt Nathoo. General Briggs says—

"I had the honour to fill the situation of Resident at the Court of Sattara for a period of four years, during which time I had peculiar opportunities of forming a judgment on the private character of the late ruling Prince; and I have no hesitation in saying, that I consider the charge referred to a most atrocious libel. During my official experience, I have been brought into communication with many foreign Princes, both in India and elsewhere: and I do deliberately affirm, that I never met with one whose moral character stood higher, or in whose conduct the utter absence of all licentiousness was more remarkable, than in that of the deposed Rajah of Sattara."

I shall now quote the emphatic testimony of Major General Robertson, who is, at this moment, one of the Directors of the East India Company. This high-minded officer was more than six years at the Rajah's Court, and in answering the charge so explicitly refuted by his predecessor, General Briggs, he says—

"In justice to the character of the Rajah of Sattara, I beg to confirm what has just been said by Major General Briggs; I have no hesitation in saying, that the charge is false. It rests solely on the assertion of the Brahmin Ballajee Punt Nathoo, who gave his evidence secretly and anonymously before the Commission in 1836. From my knowledge of the Rajah, I have no doubt that the story is utterly

false. I must beg also to say a word on the epithet of 'imbecile,' which has been bestowed upon the Rajah. Perhaps, as I was for years in the habit of almost daily intercourse with the Rajah, hon. Gentlemen will not object to receive my testimony on such a point, in preference to that of the hon. proprietor, Mr. Weeding. My testimony in reference to the Rajah's imbecility is this—and I set it over against that of those who know nothing about him—that I never knew a more able man in the transaction of public business, or a Prince of more perfect honour or spotless integrity."

In conclusion, on this part of the subject, I will read the evidence given by General Lodwick, who succeeded General Robertson, and who, in a speech delivered at the India House on the 8th of February, 1840, says—

"I can positively declare that, during the period I was Resident at Sattara, I never expressed a wish to the Rajah that was not readily attended to: roads were constructed, the condition of his jagheerdars was ameliorated, in fact, he was liberal in every respect, generous to his servants, of the best domestic character, evincing the possession of a kindness springing from a happy temperament of mind and body. The Rajah collected the whole of his revenues without oppression."

Sir, here you have the testimony of the most unexceptionable witnesses to the character of the Rajah during twenty years, added to that of the unanimous opinion of the Directors in 1836. Three charges have been preferred against the Rajah. I will state what they are. The first was in 1836, and was that of the Rajah having had an interview with two native officers of a British regiment, with a view of corrupting them from their allegiance. The second was, that the Rajah carried on a clandestine correspondence with Appa Sahib, the ex-Rajah of Nagpore—at the time a State prisoner and a pensioner at the Court of the Rajah of Joudpore. The third was, that the Rajah intrigued with Don Manoel, the Viceroy of the Portuguese Settlement of Goa, for the purpose of bringing 30,000 European troops to India, to drive the British from the country. Sir, I once believed these charges were true; for I could not bring myself to think that the Government of India would dethrone a native prince, like the Rajah of Sattara, without the fullest and most conclusive evidence of his guilt; but having given much attention to the subject, and having read all the documents relating to the case, I have been brought to the conclusion that the whole has been a series of the most infamous and wicked plots against the Rajah—hatched by his enemies, and too readily believed and acted upon by the Government, when they found the Rajah was determined to maintain his right to the jagheers, in opposition to the erroneous view which had been taken of that question. Sir, the charge of attempting the allegiance of the sepoys, was preferred during General Lodwick's time, and I must say that the conduct of Sir Robert Grant in the affair was anything but creditable. Instead of giving the Rajah an opportunity of rebutting the evidence of the two sepoys, he sent "a paper of hints" to the Resident, General Lodwick, instructing that officer how he might entrap the Rajah. I will read to the House what General Lodwick himself says on this subject, in a letter to the Court of Directors, dated 9th October, 1840.

"The system was now changed. All was energy in devising schemes by which the plot should be matured and detected; for which I should have been at a loss to account, had I not been told that, in a hasty moment, 'a report of the case had been sent to the Supreme Government and to the Court of Directors, with an assurance that the Government placed full reliance on the testimony of the native officers; that many persons of weight went so far as to think the Rajah ought to be sent to Bombay to have his conduct investigated, and that possession should be taken of his country; but that, at all events, the affair could not be quashed, and the question was, how to make the inquiry most effective, though it was feared nothing more could be expected from the Rajah.' And a paper of hints was sent to me, suggesting, 'that the native officers should ask to see the Rajah, tell him they had heard their part of the plot had been discovered, beg that he would protect them, either by advancing money to escape with, or a pass under his hand and seal to insure them service; that if he gave them money, the evidence would be strong; if a paper, convincing. If, however, he should give them up to me, with loud complaints of calumny, in this case I was to pretend to secure them, and suspicion being hushed, an opportunity would be afforded of securing the principal agents.

"Honour and honesty being my motto in public as in private life, I spurned such shifts as these, and left the plot to develop itself, without secretly tempting the Rajah to afford me proof of his having aided it, determining to demand the delivery to me of the persons accused whenever the matter should transpire, and to take no active part in the Rajah's ruin.

At the proper moment, and in exact conformity with instructions which I had demanded from the Government, I went to the palace, informed His Highness that some of his subjects were accused of plotting against the British Government, and required them to be delivered over to me. In an hour from that time they were at the residency, the Rajah giving them up instantly."

General Lodwick not being willing to be employed as the Government wished, a Commission was appointed, consisting of the Resident, Colonel Ovans, and Mr. Willoughby, the Secretary to Government. This was a secret Commission, sent to try the Rajah in his own capital. What will the House think of this inquiry, when I tell them, that the Rajah was denied the right of having a person present to take notes and cross-examine the witnesses? Yet such was the case. General Lodwick pointed out the injustice of the refusal, and made a special application to Government in the Rajah's behalf; but no counsel or vakeel was allowed to be present. The two Commissioners from Bombay refused to pay their respects to the Rajah—an indignity never before offered to any native Prince—they also suggested that the Rajah should, without this ceremony, be sent for to the Commission; but the Resident positively refused to be the bearer of such an insulting message. Well, Sir, when the Commission had nearly closed their proceedings, they intimated to the Rajah that he might attend and hear the evidence given against him. He did so; it was read over to him in the Hindustanee language, with which the Rajah was only imperfectly acquainted. At the conclusion, the Rajah requested to be furnished with a copy of the depositions in the Mahratta language, and said, that when that was done, he would send in his reply. A promise was made that the depositions should be sent to him; but, although he frequently afterwards repeated his request, they were not given; and to the present hour the Rajah has never received a particle of the evidence against him, nor so much as a statement of the charges which the Government were, for years, prosecuting against him. The evidence in the case of the sepoys was of the most absurd and contradictory character; and though all on one side, was found insufficient to justify the conviction of the Rajah: in fact, one of the most able members of the Supreme Government declared that he had sought in vain for a point on which to rest a belief of the Rajah's guilt. The Nagpore case is altogether too ridiculous to require serious notice in this House. It is a story about sending a pair of slippers to, and receiving a sword from, a man who was at the time in circumstances of absolute dependance and poverty; and yet it was said, that to this man the Rajah applied for 300,000*l.* to aid him in obtaining troops from Europe. The third charge relating to Goa has been proved to be without foundation in any of its parts. The papers produced to prove the charge are the admitted fabrications of one man, being neither in the handwriting of the Rajah on the one hand, nor of the Viceroy on the other. The seals attached to them are also forgeries, being neither the State seals of the Rajah, nor the seals of any of his predecessors, either Rajahs or Peishwas. These Papers, too, were obtained by Colonel Ovans from a gang robber, by a bribe of 400 rupees, or 40*l.* sterling. But, Sir, I would ask this House whether it be possible that the Bombay Government and Her Majesty's Ministers could believe this charge to be true, and yet refrain from taking any notice of it as regarded the conduct of a Portuguese Governor representing a Power in ancient and friendly alliance with this nation? If the Rajah was guilty, Don Manoel, the Viceroy, was equally so; and if he was guilty, it was the duty of the British Government to bring his acts to the notice of his Sovereign, and to demand his punishment, and the most ample explanation from those whose confidence and authority he had so shamefully abused. Sir, on hearing of this extraordinary charge, I myself wrote to Don Manoel, at the time filling a high situation in the household of the Queen of Portugal; and, in reply, received a solemn declaration, made in the presence of a public notary at Lisbon, to the effect that the charge was utterly false and groundless. Such I honestly believe to be the opinion of Her Majesty's Ministers, in proof of which I may refer to the words of Sir John Hobhouse, late President of the Board of Control, addressed to this House on the 23rd of June, 1842. The language of that right hon. Gentleman, on the occasion to which I refer, was this:—

"The hon. Member for Shrewsbury has ac-

cused me of dethroning the Rajah of Sattara; a charge almost too absurd to require contradiction. I did not dethrone the Rajah of Sattara. The hon. Member has also accused me of believing that the Rajah of Sattara was about to bring 30,000 Portuguese from Goa to invade British India. Where the hon. Member learned that, I know not: I have seen some trumpery statement in a newspaper to that effect; but there is not a word of truth in it. As President of the Board of Control, I know that those charges were brought against the Rajah of Sattara; but to say, that I believe them, is what the hon. Gentlemen has not the slightest foundation for saying."

If then, Sir, the exculpation of Don Manoel be considered complete, what becomes of the charge against his alleged confederate in crime, the Rajah of Sattara? why is the latter punished, while the charge is considered too ridiculous to be noticed in reference to the former? It is not my purpose, however, to examine the evidence brought forward to criminate the Rajah of Sattara: my object is simply to inquire whether the accused has had the opportunity of establishing his innocence by an examination of, and reply to, the allegations recorded against him; and as it is too late in the Session to move for the appointment of a Select Committee, I have adopted the course of recommending an Address to Her Majesty the Queen. I now beg leave to call the attention of the House, and of Her Majesty's Government, to the contents of the Papers which have been recently printed and laid on the Table. They relate to certain charges brought against Colonel Ovans, and his native assistant, Ballajee Punt Nathoo, by Krushnajee Sudasew Bhidey, a man who was employed to write and send to the Bombay Government a document denouncing the Rajah of Sattara, and twelve other persons, as concerned in a treasonable conspiracy against the British Government. I must be permitted to say, that I have hitherto most studiously abstained from bringing any charges against British officers connected with the dethronement of the Rajah of Sattara. So far from ever attempting to implicate Colonel Ovans, I have refused to believe any thing to his prejudice, and would not even accuse his native assistant of improper conduct, until I had afforded the Court of Directors the means of examining into the nature of the evidence offered in support of the charges against him. This will appear from my printed Letter to the Court, upon page 9 of these Papers. A brief history of the connexion of Krushnajee Sudasew Bhidey, whose petition to this House has been printed, is here necessary, that the House may understand the true state of affairs. Before I come to Krushnajee, however, let me say a word regarding Ballajee Punt Nathoo, the person he has accused. This man is a Brahmin, and was instrumental, many years ago, in betraying his then master, Bajee Rao, the Peishwa, into the hands of the British Government. For this service he has since received a handsome pension, together with a second rank amongst the Sirdars, or chiefs of the Deccan. He was the enemy of the ex-Rajah, in consequence of that Prince refusing to make him his Minister; and throughout these proceedings, he has had the credit of being the chief instigator of the various plots to dethrone the Rajah. On the removal of General Lodwick from Sattara, he was recommended to Colonel Ovans by the Bombay Government, as a fit man to be taken into confidence and employed in the work of getting up evidence against the Rajah. He is a man of considerable talent, and has, it is said, amassed great wealth by the use of the power which he has been able to exercise since the dethronement of the ex-Rajah. To return to Krushnajee; this man, it appears, was the writer of the document I have already referred to, which was sent anonymously to the Bombay Government in the early part of 1837, and was given to Colonel Ovans, with a strict charge that he should ascertain and make known the writer. Colonel Ovans subsequently reported, that he had discovered all the parties concerned in the petition (as the document was called); that it was written at the suggestion of the mother of one of the parties denounced, who was already in prison; that its contents were dictated by the brother of that lady, a person of the name of Sukharam; and that it was posted from Poonah. Now, Sir, it is certainly a very strange and suspicious circumstance, that, after this account had been given to the Government, with an assurance from Colonel Ovans, that its accuracy might be relied upon, that it should appear, upon perfectly unquestionable evidence, that not one word of the story was true. The Papers before this House prove, that a short time after this

account had been sent to Bombay, and Colonel Ovans had obtained authority to imprison the parties named in the petition, that officer was waited upon by Krushnajee, and informed that he (Krushnajee) was the real writer; and that he was employed by a man of the name of Lukshmun Punt, who promised him, in the name of the lady from whom the petition purported to emanate, a reward of 1,250 rupees. It is also in evidence in the Printed Papers, that this man laid such documentary proofs before Colonel Ovans, as thoroughly satisfied that officer that his statement was correct; and that he had given the true history of the paper in question. I have nothing to say in vindication of Krushnajee, as far as regards his conduct, respecting the writing of the petition. All I am anxious to do is, to prove to the House that there are ample grounds for believing that every part of the evidence against the Rajah, has been the fruit of conspiracy and forgery. Let it be remembered, that Colonel Ovans has confessed, that all that this man said (before he became the accuser of himself, and his chief agent, Ballajee Punt Nathoo,) was true. If, then, his statement was considered true in the one case, why should it be rejected in the other? But, let us look at the conduct of Colonel Ovans on the receipt of the proofs of the real authorship of the petition. Instead of sending those proofs to Government, he withheld them for nearly a year; as I understand Colonel Ovans has declared that all that Krushnajee has recently alleged, is false; and that he is prepared to prove it. I beg to state, that Colonel Ovans was publicly charged three years ago, in the Court of Proprietors, with having suppressed the evidence of Krushnajee—even after he had demonstrated to his own satisfaction, that it was both "correct and conclusive." When this charge got out to India, Colonel Ovans seemed very anxious that the gentleman who had made it, should be prosecuted for libel. I will read three short paragraphs from his letter to the Bombay Government, showing his desire that the author of the charge should be punished. The letter is dated Sattara, 23rd September, 1842.

Par. 16.—"I think I may safely appeal to Government to say, if the accusations stated to have been read by Mr. G. Thompson, at the India House, on the 29th of July last, can possibly have any foundation.

Par. 17.—"If these atrocious libels, however, were read by Mr. G. Thompson, in the presence of the Honourable Court of Directors, and in the presence of the Proprietors; then, I beg to say, that I put myself, as a public officer, under the protection of the Court, and earnestly solicit that the law officers of the Company may be directed to prosecute that gentleman for these libels.

Par. 18.—"But if this should not be deemed advisable, then I earnestly solicit permission to institute proceedings myself against Mr. G. Thompson; and, in this case, I beg the Honourable Court will be pleased to grant an order to my law advisers, for any papers they may require to lay before the courts of law to prove my case."

Sir, if Colonel Ovans be desirous of vindicating his character from the very grave accusation of suppressing most important judicial evidence, he had better carry out his original wish, and prosecute the gentleman who has made the charge in this country, and who has since repeated it; affording at the same time to Colonel Ovans an opportunity, which he declined to embrace, of refuting that charge before the body to which he belongs. Now, Sir, as it respects the charges contained in the Papers recently laid on the Table of this House: From those papers we learn, that Krushnajee Sudasew Bhidey professed to believe, that he had a claim upon the British Government for the reward originally promised him for writing the petition. Whether this be true or not, one thing is proved by these Papers, that, on his appearing before Colonel Ovans to state his share in the transactions, he received from Colonel Ovans a present of fifty rupees, and was put upon a monthly allowance, which he was permitted to enjoy, until the dethronement of the Rajah; and that he was then dismissed with a present of one hundred rupees, and recommended for employment under the present Rajah. If, therefore, he is now branded as an infamous man, in consequence of his original offence of fabricating a false document, what shall we say of Colonel Ovans, who, when fully cognizant of all the facts of the case, gave him in the first instance a very liberal sum of money, and afterwards kept him in his pay for two years, and finally dismissed him with another large gift? Those who will take the trouble of going through these Papers, will find that the

charges which have been brought against Colonel Ovans, and his agent Ballajee Punt, are supported by references to a very large number of highly respectable persons, as well as to a great number of official records. What did the Bombay Government do, on receiving a statement of these charges? Why, they sent them at once to the parties accused, who forthwith report that they are false and unfounded, and recommend that they be dismissed; and they are dismissed accordingly. After seven petitions to the Governor in Council have been thus treated, Krushnajee at lasts forwards his complaints to Mr. John Warden, a judge at Poonah, and the Government agent for the adjustment of all claims upon Sirdars in the Deccan. Mr. Warden viewed these charges in a light very different from the Bombay Government, and at once called upon Krushnajee to send him a list of the witnesses, and proofs he intended to call, in support of his accusations. Here, Sir, is the list prepared by the accuser, and sent to Mr. Warden. It covers three folio pages, and refers to evidence in support of every one of the charges. It is in this paper that we first find a direct charge against Colonel Ovans; and I will read the passage, that the House may decide whether or not it was worthy the attention of those who are bound to preserve the honour and integrity of the British service in India. [The hon. Member read from the Printed Papers a passage from the testimony of Krushnajee, accusing Colonel Ovans of receiving money and presents.] The House will observe, that there are three persons specified as witnesses in support of these charges against Colonel Ovans; that they are all in the service of the present Rajah; and that one of them is no less a person than the Rajah's Minister, with whom Colonel Ovans had, of necessity, much official intercourse. Nothing would have been easier than to have at once established the truth or the falsehood of these charges, which were thus plainly preferred in July, 1843. Mr. Warden deemed it his duty to require at once the personal attendance of Krushnajee, at Poonah; and on his arrival, took from him his solemn affirmation to the truth of his statements, which will be found in page 32 of the Printed Papers. Besides this affirmation, Mr. Warden called upon Krushnajee to enter into recognizances for five thousand rupees, and to find security to the amount of one thousand more, to remain within the British jurisdiction, and to appear and make good his charges; or, in default of doing so, to pay the fine, or to suffer, with his security, two years' imprisonment. The recognizances were given; and Mr. Warden then wrote the following letter to the Government, sending with it, at the time, copies of all the documents which had been handed to him by Krushnajee Sudasew Bhidey. The House will perceive from Mr. Warden's letters, that that officer considered the case as one which was peculiarly deserving the notice of the Government.

"TO THE CHIEF SECRETARY TO GOVERNMENT, BOMBAY.

"*Agent's Office, Poonah*, 19*th Aug.*, 1844.

"Sir—1. Several months ago, I received by the post a Mahratta paper, of which the enclosed (Krushnajee's Petition of the 14th of October) is a translation.

"2. As it has been usual for the Agent for Sirdars to communicate with the Government on alleged misconduct by Sirdars; as the mode of inquiry asked for in the present instance by Krushnajee Sudasew, is that ordered by Government in the case of Dadjee Appajee Seweya, excepting only that the committee on him was a native one; and as Ballajee Punt Nathoo is not only a Sirdar of the second class, and a pensioner of the British Government, 'during good behaviour,' but is the most favoured of all those who, on the accession of the British Government to the Deccan, were styled 'British adherents;' it did not appear right that I should disregard such serious complaints against him, and so earnest an appeal to me, as the Agent of Government in immediate communication with the Sirdars, although those complaints relate to the acts of Ballajee Punt Nathoo when employed in the Sattara country; and I therefore, as a preliminary step, called on Krushnajee Sudasew to state the grounds on which he preferred these charges of extortion, fraud, and abuse of authority.

"3. The enclosure No. 2 (the List of Witnesses, and other evidence), is the answer he has brought me, in which he has introduced two additional charges against Ballajee Punt Nathoo, as well as matter relating to the Resident at Sattara; and I feel that I only perform my duty in laying both papers before the Honourable the Governor in Council.

"4. As, however, it would be most unjust to the Resident and Ballajee Punt Nathoo to allow Krushnajee Sudasew Bhidey to prefer these accusations without confirming such facts as are within his own knowledge, by legal solemn affirmation, and placing himself within

the jurisdiction of a British Court, empowered to punish him for defamation; I have taken the solemn affirmation, of which the enclosure No. 3 is a translation, and obtained from him security to the amount of 1,000 rupees, besides his personal recognizance to the amount of 5,000 rupees, for his appearance at Poonah, till the inquiry which may be ordered shall have been completed.

"J. WARDEN."

What will be the surprise of this House when I say, that after all these formalities, precautions, and preparations, the Bombay Government dismissed the whole subject as utterly unworthy their attention, and took no means of rescuing the character of their own officer, or that of Ballajee Punt, by the only effectual and rational mode, namely, an inquiry into the case. Such being the state of the question, I trust this House and the Government will see the necessity of promoting an immediate and full investigation into all the facts of the case. I cannot but believe that the Rajah has been made the victim of the base and malicious plots of his native enemies, and that the Government, in refusing him the means of meeting the charges brought against him, have acted unjustly. Our character in India has, I feel persuaded, been much injured by the way in which we have disposed of this case; while, on the other hand, a solemn and sifting inquiry, which would enable the deposed Rajah to rebut the evidence given against him, and his restoration, in the event of his innocence being established, would more than anything else exalt our name among the princes and people of our vast Eastern Empire. I do not ask that the Rajah should be reinstated if he be guilty; but I do ask—and I will not at present believe that so reasonable a demand will be refused—that he be heard in his defence, and that, for the sake of truth and justice, the accusations which are contained in the Papers now before the House be impartially inquired into. The House of Commons will not, surely, be a party to the withholding of such an inquiry as is now prayed for. We have recently witnessed a severe scrutiny into the conduct of two Members of Her Majesty's Government, whose resignations have been accepted, in consequence of the strong sense entertained by the public of the necessity of having men in the public service who are beyond the reach of the slightest suspicion. I am quite convinced that there is not in this House a more honourable man than Captain Boldero, who is one of those whose resignations have been recently laid before Her Majesty, and accepted. Let it not, then, be said, that when charges so serious as those of bribery and corruption are preferred against officers in India, we refuse to examine the evidence offered in their support; and so at once prevent the refutation of them if they be false, and the punishment of the guilty if they be true. The Rajah has been condemned unheard, upon the testimony of the most worthless characters. Let us not, then, refuse inquiry into charges against our own public officers, when the means of ascertaining their truth are at hand, and when it is only by such a course that the ends of justice can be gained. The hon. Gentleman concluded by submitting the Motion he had announced at the commencement of his speech.

Dr. *Bowring* seconded the Motion, and said that it was deeply to be regretted, when subjects involving the well-being of our vast Indian Empire were introduced into the House, the interest taken was so small that the benches, as at present, were almost wholly deserted. Matters which had the piquancy of personal controversy were attractive enough; but those which directly affected the happiness of millions of our distant fellow subjects obtained little or no attention. In the case before the House, he found few hon. Members had waded through the numerous volumes of Papers which had been printed by orders of the House; but there was no portion of them which did not contain striking evidence of the widely-spread devices to entangle the Rajah; and on his part, a constant desire was everywhere visible to be confronted with his accusers, to court inquiry, and to demand a rigid scrutiny. On one side was confused, entangled, inconsistent, and contradictory evidence; on the other, an injured but highminded man, strong in his conviction of his own innocence, appealing to the Government of India, to the Government of England, and now to the British Parliament, for a fair investigation—demanding punishment if guilty, but redress and reparation if wrongly accused. And should the Rajah appeal in vain? It was impossible to read his eloquent and pathetic language without feeling that such a man, so speaking, was entitled to attention. With such evidence of mendacity, of fraud and

forgery, as his hon. Friend had laid before the House, how could this case be permitted to remain in its present state? It would come back again and again—pressing and pleading with accumulated power. He entreated the House not to turn a deaf ear to the demands of justice and humanity.

Mr. *E. Tennent* said, the Motion to which the hon. Member had called the notice of the House, was one with which by name, at least, they might be somewhat familiar; inasmuch as this was, he believed, the eighteenth occasion on which it had been, either directly or incidentally, brought under the consideration of Parliament. The object of the hon. Member for Montrose was, to procure the reconsideration of a case which had been investigated in the year 1836, and solemnly disposed of with every ordinary and controlling formality; and the frequency of these unsuccessful appeals, if they exhibited on the one hand a perseverance which might be identified with a consciousness of the justice of their cause, demonstrated on the other a deliberation and firmness on the part of the numerous authorities who had been appealed to, concurring, as they all did, in rejecting the application, which could be attributable to one only conviction—that substantial justice had been already done, and that no plea existed for questioning the decision or reviving the inquiry. The inquiry into the charge against the ex-Rajah of Sattara, which had issued in his dethronement, was gravely and dispassionately conducted before a competent Commission in India; their verdict had been confirmed by authorities at Bombay, sanctioned by the Supreme Government of India, approved of by the Court of Directors, and recorded by the Board of Control; and although the propriety of reopening that inquiry had been referred to three successive Governors of Bombay, to three successive Governors General of India, to three Presidents of the India Board, and to a long series of Chairmen and Directors of the East India Company, the judgment upon it had been invariably the same—that the original decision was conformable with truth and consistent with justice; and that a reconsideration of a question so solemnly decided, would be not only unavailing as regarded the deposed Prince, but would be injurious to the administration of justice, and prejudicial to the authorities by whom it had been originally adjudicated. He (Mr. E. Tennent) would not allude to the general complexion of the evidence against the Rajah of Sattara further than to say that, the inquiry being one of a political character, and called for by political considerations, its conclusiveness was to be decided, not by the inapplicable technicalities of a *nisi prius* trial, but by that importance which, in the opinion of the Executive Goverument, attached to incidents and inferences involving the safety of a State and the security of a Government. In answer to the charge, that portions of that evidence had been given by individuals of infamous character, and that in the mass it presented discrepancies and doubts which, under other circumstances, would work the rejection of the entire case, he would merely remind the House, that this inquiry was pursued by parties upon the spot, to whom the characters of the witnesses were known, and the facts they deposed to were familiar; and that they, after every deduction for character, and every allowance for contradiction, came to the deliberate and retained conclusion that, after every exclusion and deduction, enough remained for conviction; and that the evidence, with all its differences, more than sustained the charges against the Rajah. The House should be aware that Sattara was no ancient dynasty, now overturned for our own aggrandizement; it was a small Principality, created by ourselves in 1819, and its Sovereign set up by us under a Treaty conformable to our interests. It was no discredit upon these proceedings to deny that the investigation was a trial; it was not a judicial trial; the British Government had no jurisdiction, no tribunal to try a foreign Prince. But it was a political inquiry, demanded in consequence of the equivocal conduct of a feudatory Prince towards his Lord paramount. That inquiry established the fact, that the subject of it had been guilty of practices at variance with the terms of the Treaty which was the tenure of his power; and, because he refused to renew that violated Treaty, with assurance of fidelity for the future, he was, as a last resource, removed from the throne, and the heir next in succession installed in his forfeited authority. The main allegation in the Motion of the hon. Member for Montrose, and that most calculated to make an unfavourable impression on the public, was the assertion, that all knowledge of the evidence

against him was withheld from the Rajah, and that to this hour he was in ignorance of the charge on which he had been condemned. Now, this was in every respect substantially incorrect. It was quite true, that of certain depositions no actual copies were submitted to him; and it was equally true, that the names of certain witnesses were withheld; but they were withheld upon this deliberate calculation—that, being subjects of his own, residing within his own dominions, and immediately within the circle of his influence, they would have been instantly tampered with, or constrained to withhold or to withdraw their testimony against him. But, whilst the names were withheld, the circumstances and facts of these allegations were all communicated to the Rajah, and the charges on which he was suspected were submitted for his answers and his evidence. Not only was this apparent in the pages of the Blue Books upon the Table, but they contained also the proofs that he tendered witnesses in his defence; and his own letters were filled with comments and explanations of the very charges on which he now complained that he was condemned in utter and total ignorance. The House would have collected from this and previous discussions, that the Rajah of Sattara was deposed on the grounds of a treasonable conspiracy to incite the western States of India to hostility against the British, and likewise of attempting to corrupt the fidelity of the native sepoys in the British service. His Minister, Govind Rao, was implicated and arrested for his share in these transactions; and his mother, Girjabaee, in the hope of saving her son's life by a confession of his complicity, caused a petition to be written, in which she indicated the names of twelve other individuals, all more or less involved in the guilt of the Rajah. Upon this information those parties were arrested, their offences proved, and their culpability extended to the inclusion of the Rajah. And the circumstances of this very petition, and of the equivocations and falsehoods in relation to it, were themselves a painful evidence of the difficulties attendant on such inquiries; and of the utter indifference to truth, and recklessness of assertion, which characterized even parties of the highest rank, who were implicated in this investigation. The author of the petition herself, the mother of the Minister, found it necessary by a falsehood to conceal the name of its actual writer, for fear of the consequence by which she might be visited by the Rajah. Her second son, a brother of the accused person, in like manner, in order to protect his mother from the Rajah's resentment, penned an elaborate and circumstantial denial of her connexion with the petition; while, at the same moment, the lady herself, in a personal interview with Colonel Ovans, avowed its authorship and authenticity, and assigned frankly her motives for its adoption. The hon. Member for Montrose might allege that at this interview, Girjabaee was personated by another lady: but her identity was proved by persons by whom she was accompanied, and by the fact that she had been previously a frequent visitor to the ladies of Colonel Ovans' family. This evidence of the authorship of this document it was essential to bear in mind; for, that point once established, it annihilated at one stroke the entire case which the hon. Member for Montrose had this evening set up. Krushnajee, the clerk who actually penned the petition for Girjabaee, was promised for his services 1,250 rupees. This promise the lady found herself unable to comply with; and the clerk, to enforce his claim, disclosed himself as the penman to the British Resident at Poonah. He prosecuted that demand against her with the utmost perseverance up to the death of Girjabaee, in April, 1843, when he suddenly shifted his ground, and protested to the Bombay Government that his first attempt to extort the money from Girjabaee was a fraud; that it was not she who had employed him to draw up the petition; but that the petition was from beginning to end a falsehood and a forgery, and that he had been suborned to draw up and transcribe it by Colonel Ovans, the Resident, and Ballajee Punt Nathoo, a distinguished officer of the reigning Rajah of Sattara; and that those two persons, after availing themselves of his services, now refused to pay him his reward, and still owed him 1,100 rupees out of the 1,250 which they had promised. Now, apart from the matchless effrontery of prosecuting, even to her death, an innocent lady, on a fraudulent pretence—let the House look at the probability or possibility of the device to which this shameless villain resorts. Supposing, for one moment that Colonel Ovans could have

lent himself to so vile an imposture, and for so disgraceful a purpose; supposing that a man of wealth and distinction, like Ballajee Punt Nathoo, could have stooped to such a crime, was it to be conceived that the concoctors of such an artifice would run the risk, nay, incur the certainty of the detection, by withholding his wages from their instrument? In fact, there was and there could be no doubt that the mother of the Minister was the real petitioner in the case; that Krushnajee, the clerk, as a professional writer, was employed to draw up the document; and that whatever sum she might have promised as her fee, Colonel Ovans had not, and refused to have, the slightest concern with the transaction, or their mutual claims. Krushnajee having failed to induce the British Government to enforce the payment from Girjabaee, was equally unsuccessful in inducing them to believe his tale that their own representative and officer, Colonel Ovans, was his debtor, instead of the deceased lady; but, not to be baffled by one repulse, he announced his intention to persecute the Government with petitions, and the Resident with charges, till he should be appeased by the payment of his demands. Accordingly, petition followed petition, and allegation was heaped upon allegation, till at length, by one final sweep, he sought to crush both the objects of his animosity, and to his former charge against Ballajee Punt Nathoo and Colonel Ovans, he added those alluded to by the hon. Member for Montrose, of bribery, extortion, corruption, and dishonesty. And into these charges, brought by a man of such degraded character, and directed against one of the most upright and distinguished officers in the service of the East India Company, and one of the most eminent and honourable natives of India, the hon. Member now invited the House to enter, as a groundwork for demanding a revision and reconsideration of the whole inquiry into the political intrigues of the Sattara State. But the hon. Member said that the character of the informer had nothing to do with the nature of the charge, and that that character, bad as it might be now, was regarded as sufficiently respectable when, in 1837, they relied on it to prove the charges against the ex-Rajah of Sattara. He must deny the justice of that inference; he must deny that the evidence of 1837 had any connexion whatever with the character of Krushnajee. The personal evidence he gave on that occasion was not only voluntary, but was worthless; and not only was the petition which he wrote acted and decided on before he was even known as the author, and found true in all its allegations, but in reality it merely directed the Commission to the quarter in which they might seek for proofs without adducing a single proof or making one important statement on the face of itself. The worthlessness of the mere copyist's character was therefore totally unimportant; but were they prepared then, at the instigation of such an individual as this, to call in question for one moment the integrity and the honour of such a man as Colonel Ovans? And what was the character of Colonel Ovans? Sir G. Arthur, the Governor of Bombay, in noticing these charges, bore his testimony to the reputation of that distinguished officer in these terms:—

"Since my arrival in this presidency, it has been my duty, as opportunities have incidentally presented, to satisfy myself, as well by observation as personal inquiry, respecting the bearing and public reputation of all the Hon. Company's servants, especially of those holding offices of high trust and responsibility; and had I been called upon to name officers universally well spoken of and esteemed, I should certainly have included Colonel Ovans in the number; and this must have been the opinion formed by the late Commander-in-Chief, for on Sir R. Grant's requesting Lord Keane to name an able and judicious officer to hold the appointment of Resident at Sattara, he recommanded his Quartermaster General, Colonel Ovans."

Such was the man against whom this clerk preferred a charge of meanness and corruption. He (Mr. E. Tennent) held in his hand, and would beg to read to the House, two letters from Lieutenant Colonel Ovans, and he believed that every man who listened to them would feel a just indignation at finding a highminded and honourable gentleman placed in a situation requiring him to notice or contradict such humiliating calumnies. The first was addressed to his (Mr. E. Tennent's) noble Friend and Colleague at the India Board (Lord Jocelyn), and was as follows—it was received that morning:—

"*London, July* 22, 1845.

"My Lord—As I observe that a Motion is to be made this evening in the House of Commons by Mr. Hume—'That Her Majesty will be pleased further to direct inquiry to be made into the charges for bribery and corruption by

Krushnajee Sudasew Bhidey (as stated in the Papers before this House) against Colonel Ovans, whilst resident at Sattara, I trust your Lordship will do me the favour to lay before Lord Ripon my unequivocal and unqualified denial of this atrocious charge; as also to state, that I am ready to proceed at once to India to prosecute this infamous libeller for perjury, should it be considered advisable so to do. Your Lordship may easily conceive that it is most painful to me to see such slander attached to my name; but I feel confident that an upright and honourable service of thirty-three years in India, will be my best reply to the base attacks now made upon me; arising as they do, from my having at Sattara, honestly and fearlessly performed an important public duty to the satisfaction of all my superiors both in India and in England.—I remain, &c.

"C. OVANS.

"P.S.—I venture to enclose a copy of a note addressed by me to the Secretary at the India House, putting on record these my sentiments regarding Mr. Hume's Motion."

The enclosure to the Secretary at the India House was as follows :—

"*London, July* 21, 1845.

"Sir—Observing in the Papers regarding the case of the ex-Rajah of Sattara, lately printed by the House of Commons, that Krushnajee Sudasew Bhidey has preferred the following charges against me—viz., first, that Lieutenant Colonel Ovans has obtained from his Highness the Rajah of Sattara, payment of the sum of 1,500 rupees per mensem to his (Lieutenant Colonel Ovans') father-in-law, and that this allowance was on his death transferred to the Resident's brother-in-law, who receives it up to this day; secondly, that when the Resident's lady and children proceeded to England, gold, bullion, and Venetian necklaces, to the value of 50,000 rupees, were purchased by the Rajah and given to the Resident; and observing also, by the Votes of the House of Commons of Friday last, that Mr. Hume has founded a Notice upon those charges, and mentioned me by name, I feel it to be my duty to state that, while I repose entire confidence in the Hon. Court to take whatever steps they may deem necessary in consequence of these charges, whether in justice to the public service or to me as an officer in their employ, I desire to place upon record my indignant and unqualified denial of all and every part of this most atrocious and calumnious accusation; and to state, that if the Court of Directors deem it right for me to proceed to Bombay, either to be subjected to the most rigorous investigation, or myself to prosecute the infamous author of this libel, I am prepared at every inconvenience, and at all hazards to my health, at once to adopt that course.—I remain, &c.,

"C. OVANS."

He hoped the House would concur with him that in these two letters there was a tone of frank and indignant honesty which was the most conclusive reply to the Motion of the hon. Member for Montrose. The hon. Member for Montrose laid much stress upon the fact that the eighth petition of Krushnajee, the latest which had reached this country, was not inquired into by the Government of Bombay, although Mr. Warden, the agent of Sirdars and Sattara, had taken all the preliminary steps for an inquiry, and had bound over Krushnajee to prosecute, under a penalty of 6,000 rupees, and had obtained from him a list of witnesses to sustain the charge, including, among others, the name of the Dewan of the Rajah. The hon. Member attached much importance to the two facts of the petitioner having given these names and entered into this security. But as to handing in the name of the Minister of the Rajah as one of its witnesses, it appeared to have been but a piece of gratuitous audacity, in strict keeping with the reckless character of the charges themselves; and, as to the security, when the House was made aware that of these 6,000 rupees, the recognizance of the petitioner himself included 5,000, although he couched every petition in the character of a pauper, they would readily see that the amount of the security was no type of the character of Krushnajee. As for the remaining 1,000 rupees, even if forfeited, so small a sum as 100*l.* would be a trifling object to the partisan who bailed him, compared with the value of compassing the infliction of an injury on the reigning Rajah, his friends, or his case. As to the charges against Ballajee Punt Nathoo, Sir G. Arthur found that they were a mere repetition of the allegations formerly considered; and, with the unanimous concurrence of the Council of Bombay, he refused to entertain the petition. Sir G. Arthur and the Council also expressed their unanimous opinion that no credit could be attached to the accusations urged by Krushnajee against Lieutenant Colonel Ovans; and he trusted that the House would confirm this decision of the Governor of Bombay, and protect the character of a high-minded, honourable, and meritorious officer from aspersion or suspicion, by treating with contempt the imputations which it had been attempted to cast upon his name and conduct. He hoped, that the House concurring in this

opinion, would give him (Mr. Tennent) its support in negativing the proposition of the hon. Member for Montrose.

Mr. *W. Williams* supported the Motion of his hon. Friend the Member for Montrose. The hon. Gentleman the Secretary to the Board of Control (Mr. Tennent) had made many assertions, but he had not proved any facts. He (Mr. Williams) knew nothing whatever of Colonel Ovans; he might be, and probably was a highminded and honourable man; but so long as these charges were impending over him, and an investigation of their truth or falsehood was denied, his character could not be regarded as entirely free from suspicion. The most important charge made against the Rajah was, that he had entered into a conspiracy with the Portuguese Governor of Goa. Now, thi was a fact, the truth of which Her Majesty's Government might easily ascertain; but no proof had been adduced on the subject. He considered that it was the duty of the Government to institute some inquiry with reference to the allegations contained in this petition.

Mr. *Hogg* said, that when hon. Members made attacks upon the characters of gentlemen of high honour, who occupied distinguished stations in the service of their country, they should, at least, be certain that they were accurate in the facts on which they grounded their statements. Not so with the hon. Member for Montrose. He had so confounded dates, transactions, and witnesses, that he (Mr. Hogg) felt satisfied, that the hon. Member could not have read with any attention the Papers laid on the Table. The hon. Member had commenced by stating, that he would not enter into the details of the case of the Rajah of Sattara, and would confine himself to what he termed the new matter, the charges now for the first time preferred against Colonel Ovans and Ballajee Punt Nathoo; and yet he had rambled over the whole transactions, throwing out imputations most unsparingly, and giving a bit here, and a bit there, from the Papers, but in a manner so unconnected, that hon. Members who had not toiled through the mass of blue books, could understand little, save that imputations more or less grave had been cast upon many gentlemen filling high and important public offices. The House would suppose from the statement of the hon. Member, that the Rajah of Sattara had inherited the dominions of Sevajee, that the Peishwa had usurped his authority, and that the East India Company, after restoring him to his hereditary power and dominions, had entered into a Treaty with him as an independent Prince. Now this was wholly incorrect, and he would shortly state how the Rajah was circumstanced at the time when the Indian Government entered into a Treaty with him. The Mahratta power had been founded by Sevajee, a military adventurer, who raised himself to eminence in the time of Aurungzebe, and died in 1680. He was succeeded by two sons and a grandson; but his dynasty terminated about 1750, when the Peishwa, or chief of the Council of Brahmins, usurped the sovereign power, and transmitted it to six successors; the descendants of Sevajee remaining all the while, a period of nearly a hundred years, powerless and in captivity. During all this time the government was administered exclusively by and in the name of the Peishwa, who was universally regarded as the head of the Mahratta confederacy, and with whom all the Treaties entered into by our Government were concluded. Bajee Rao, the last of the Peishwas, having entered into a confederacy with other native princes for the overthrow of our power in India, the Government were compelled to take the field against him; and the result was the total overthrow of the Mahratta power, Bajee Rao himself having been taken prisoner. The object and policy of the Government was, totally to destroy the Mahratta power and confederacy, and all the territories of the Peishwa were accordingly annexed to the British dominions, with the exception of a new sovereignty which was created for the Rajah of Sattara, to enable him to maintain his family in adequate comfort and dignity. Thus, to use the words of Mr. Elphinstone—

> "The Rajah was released from a prison, and was placed at the head of a Government obtained by no effort of his own, but which was the spontaneous result of the liberality of the British Government."

But was this sovereignty given to him absolutely and without conditions? No such thing; he had the Treaty with him, and would, with the permission of the House, read it, or at least so much as related to the conditions annexed to the grant made to the Rajah. The Treaty bore date the 25th of September 1819:—

"Whereas the British Government having determined, in consideration of the antiquity of the House of his Highness the Rajah of Sattara, to invest him with a sovereignty sufficient for the maintenance of his family in comfort and dignity, the following Articles have been agreed to between the said Government and his Highness.

"ART. 1. The British Government agrees to cede in perpetual sovereignty to the Rajah of Sattara, his heirs and successors, the districts specified in the annexed schedule.

ART. 2. The Rajah, for himself, and for his heirs and successors, engages to hold the territory in subordinate co-operation with the British Government, and to be guided in all matters by the advice of the British Agent at His Highness's court.

"ART. 3. The British Government charges itself with the defence of the Rajah's territories, and engages to protect His Highness from all injury and aggression. The Rajah, for himself, and for his heirs and successors, engages to afford every facility for the purchase of supplies for such troops as may be stationed in his country, or may pass through it; and the pasture lands now appropriated for the use of the troops are to be permanently given up to them. The Rajah likewise, for himself, and for his heirs and successors, engages to afford all the assistance in his power to the British Government, in all wars and military operations in which they may be engaged.

"ART. 4. His Highness, for himself, and for his heirs and successors, engages at no time to increase or diminish the military force, without the previous knowledge and consent of the British Government.

"ART. 5. The Rajah, for himself, and for his heirs and successors, engages to forbear from all intercourse with Foreign Powers, and with all Sirdars, Jagheerdars, Chiefs, and Ministers, and all persons of whatever description, who are not by the above Articles rendered subject to His Highness's authority. With all the above persons, His Highness, for himself, and for his heirs and successors, engages to have no connexion or correspondence. Any affairs that may arise with them relating to His Highness, are to be exclusively conducted by the British Government. If (for the purpose of forming matrimonial connexions for His Highness's family, or for any similar purpose) His Highness has occasion to communicate with persons not rendered subject to his authority by this agreement, such communication is to made entirely through the Political Agent.

"This Article is a fundamental condition of the present agreement, and any departure from it, on the Rajah's part shall subject him to the loss of all the advantages he may gain by the said agreement."

The Rajah, it would be seen, was bound to be guided in all matters by the advice of the British Agent; was precluded from all intercourse with all persons not subject to his own authority, and could not even communicate as to matrimonial arrangements, except through the Political Agent; and this was what the hon. Member for Montrose called independence! The hon. Member had dwelt upon the exemplary conduct and good intentions of the Rajah, and had read in support of his statement various extracts from letters of Captain Grant Duff, General Briggs, and other Residents at his court. He (Mr. Hogg) contended, that the ambitious views and intriguing disposition of the Rajah were known to every person who had communication with him; to Mr. Elphinstone, who framed the Treaty, and to every Agent who resided at his court. In April, 1818, Mr. Elphinstone impressed upon Captain Grant Duff the necessity of preventing the Rajah having any intercourse whatever with any other State — and the stipulations in the Treaty sufficiently evince how strong the opinion of Mr. Elphinstone on this subject was. His hon. Friend the Secretary to the Board of Control had read a letter from Captain Grant Duff, so early as March, 1819, showing that the Rajah was addicted to intrigue, and was a complete adept in dissimulation. General Briggs, when addressing the Government, states that he is tenacious of his prerogative, and is daily becoming more impatient of our control, and expresses his apprehension that he may be detected in intrigues which may lead to his ultimate ruin. General Robertson states, that he knew of the Goa intrigue; and General Lodwick, the fourth and last Political Agent, when addressing the Government on the 18th of August, 1836, says—

"That His Highness, the Rajah, is ambitious, and capable of giving countenance to any conspiracy that has the advancement of that object in view, I have no doubt. So far back as November, 1885, a devoted friend of the British Government privately reported to me, that the conversation between His Highness and his particular intimates constantly hinged on the downfall of the British Government. He further mentioned, that there were rumours of a combination, to join which His Highness was invited—adding, that he very possibly might be flattered into acceding to the plot. Nothing short of the high respectability of my informant could have induced me to give a moment's credit to their report."

Again, on the 9th of September, he says—

"That it was beyond doubt that the Rajah had proved faithless to his engagements with the British Government:"—

And on the 10th of September, he writes:—

"Deeply as I regret the errors of His Highness the Rajah, I can discover no extenuating circumstances:"—

And he subsequently reported to Government that the Rajah had gradually increased the troops in his service, and even suggested to Government the expediency of sending additional troops to Sattara; and, lastly, General Lodwick was so apprehensive of the consequences that might arise from the unauthorized communications of the Rajah, that he told him that the fate of Bajee Rao would be his own. Such were the opinions of these officers, when on the spot, and in the execution of their duty. He admitted, with the hon. Member, that they have subsequently expressed opinions of a different character, and most favourable to the Rajah; and he hoped he need not add, that he (Mr. Hogg) gave these gentlemen full credit for the sincerity of the opinions which they expressed; but he was bound to say, that he attached more weight to opinions given deliberately, under the pressure and responsibility of public duty, than to sentiments expressed when the case of the Rajah had become the subject of excited, and rather angry discussion. Before replying to the observations of the hon Member, as to the charges against the Rajah, he would ask permission to give a very brief sketch of the charges, and of the nature of the evidence adduced in support of them. In 1836, Colonel Lodwick apprized the Government that attempts had been made by the Rajah to corrupt the fidelity of our native troops, by tampering with certain native officers belonging to a regiment then stationed at Bombay. This was not stated by Colonel Lodwick as an idle rumour, entitled to little attention. It was a grave representation made by him in the discharge of his public duty, and it would appear, from his letters to Government on the occasion, that he then believed the charge to be well founded. In August, alluding to the officers who gave him the information, he says—

"The circumstances within my knowledge, detailed in the depositions of the native officers, admit of no doubt of their credibility."

And again, when forwarding the depositions to the Government, he says—

"They were taken separately; and full reliance may be placed on their correctness, both from the respectability of the deponents, and corroborating circumstances within my knowledge."

In consequence of this information, and not in consequence of an anonymous letter, as alleged by the hon. Member for Montrose—the Government appointed a Secret Commission to investigate the matter, composed of Colonel Lodwick, Mr. Willoughby, Political Secretary to the Government, and Colonel Ovans, then Quarter Master General; and this Commission, after a laborious inquiry, came unanimously to the conclusion that the charges against the Rajah were fully proved. And what was the nature of the charge thus proved? An attempt to corrupt the very life-blood of our Indian Empire. Before the Commission was issued, several persons at Sattara had been taken into custody at the suggestion of Colonel Lodwick, including Govind Rao, the Dewan of the Rajah. After the Commission had closed its proceedings, this person was sent as a kind of State prisoner, first to Poonah, and afterwards to Ahmednugger. About this time also, Girjabee, the mother of Govind Rao, actuated either by feelings of irritation against the Rajah for having surrendered her son, or by the hopes of obtaining her son's liberation, presented a petition to Government, stating the names of several persons implicated in these transactions. These persons were in consequence examined, and their testimony corroborated and confirmed the evidence taken under the Commission. But the strongest corroboration, arising from coincidence of evidence, was the statement of Govind Rao himself, who, at a distance of nearly 100 miles, and examined by a magistrate wholly unconnected with the matter, confirms by his testimony the evidence given at Sattara. The importance of this evidence was felt by the adherents of the Rajah, and how did they meet it? By alleging that Govind Rao was confined in a dark dungeon at the peril of his life, and that the statement was extorted from him by Mr. Hutt, the magistrate of the district. Now what were the facts as appears by Mr. Hutt's letter to Government? That he ordered a separate House to be taken for Govind Rao, who was treated with every consideration, and that Govind Rao himself volunteered the statement which was taken in Mr. Hutt's own house, Govind Rao

writing it in Mahratta, while Mr. Hutt took it in English. He would now notice the objections urged by the hon. Member for Montrose to the proceedings under the Commission. The hon. Member alleged, that the Rajah had not been furnished with a copy of the evidence, or a list of the witnesses, and that he was refused permission to bring with him an adviser. It was true that the Commission was a secret one; but he (Mr. Hogg) contended that everything was conceded to the Rajah that was requisite for his information, or for the means of defence. After the witnesses had been examined, and a *primâ facie* case had been established, the Rajah was invited to attend the Commission. He was requested, or to use the words of the Commission, he was—

"Earnestly pressed to allow the evidences, who were in attendance, to be introduced, that he might hear their history from their own lips."

But he peremptorily declined being confronted with the witnesses, as derogatory to his dignity. The evidence of the principal witnesses was read over to him; whatever he had to say, or suggest, was attended to; several written memoranda were received from him and recorded, and all the witnesses whom he chose to name were examined. He was told that he might be accompanied, if he wished, by any friend, and he was, in fact, accompanied by his brother and Balah Sahib Senaputtee. He had wished to be attended by a barrister of the Supreme Court at Bombay, which the Commissioners most properly refused, and this was the grievance on which so much stress had been laid. The hon. Member had alleged, that the witnesses adduced were wholly unworthy of credit, and that the charge had been fabricated, for his own purposes, by Bellajee Punt Nathoo; and he read an extract from a speech or letter of General Lodwick, reflecting severely on Ballajee Punt Nathoo, and representing him as hostile to the Rajah, and designating him as an arch informer. Now, he (Mr. Hogg) would confidently state, that he did not believe there was any native in India of higher character and integrity, or more deserving of credit, than Ballajee Punt Nathoo. Mr. Elphinstone states that Ballajee Punt Nathoo had been connected with the Poonah Residency from the year 1804, that he entered the Residency employment in 1816; and to use his own words, he says—

"In the troubles that followed, and in the settlement of the country, he (Ballajee Punt Nathoo) showed himself an able, zealous, and trustworthy public servant. He was my principal native agent, during most of the time I was in the Deccan, was consulted by me on all subjects, and gave me every reason to be satisfied with his judgment and fidelity."

When Ballajee Punt Nathoo was produced, and examined before the Commission, his name, at the suggestion of Colonel Lodwick, was not recorded. Did Mr. Willoughby and Colonel Ovans neglect to inquire as to the character of a person produced under such circumstances? No such thing. They placed Colonel Lodwick himself in the witness box, and the following was the result. He was asked—

"Are you intimately acquainted with the person whose evidence was taken at the last day's meeting, whose name has not been recorded?"

His answer was:—

"I have been intimate with him since I have been at Sattara, whenever he visits the place; and from his extremely high character, and influence over the Rajah, I have been enabled to carry points and settle disputes which I should have hardly been able to effect without him."

Question.—"From your knowledge of his character, have you full confidence in his veracity?"

Answer.—"Yes, I have, as far as in any native in India I have ever known. His former intimacy with, and the confidence reposed in him by, most eminent men now in England, are the best proof of his high character."

Question—"Do you think it likely that he is so much in the interest of Appa Sahib, the Rajah's brother, as to induce him to deviate from the truth?"

Answer—"No, I do not."

He had said that Colonel Lodwick, Mr. Willoughby, and Colonel Ovans were unanimous in declaring that the Rajah had been proved guilty of an attempt to corrupt our native sepoys. Sir R. Grant, the Governor of Bombay, and all the Members of his Council, after perusing the evidence, came to the same conclusion. Lord Auckland, the Governor-General of India, and all the Members of Council, with the exception of Mr. Shakespear, were equally satisfied as to the

Rajah's guilt. Sir Robert Grant, though fully satisfied of the guilt of the Rajah, took a lenient view, and suggested some very trifling punishment; the Government of India regarded the matter as deserving much more serious notice, and Mr. Shakespear himself admitted, that if his doubts as to the evidence were removed, the punishment ought to be of the severest character. And here, let it be observed, that when Mr. Shakespear expressed his doubts, he had only read the evidence taken by the Commission at Sattara, and that he died before that evidence had been supported and fortified by subsequent inquiries. Shortly after the Report of the Commission, Colonel Lodwick was removed from the Residency of Sattara, and Colonel Ovans was appointed in his place. By him the investigation was continued, and in the course of that inquiry he discovered the first traces of the intrigues and correspondence with the Government of Goa, and the ex-Rajah of Nagpore. The evidence, oral and documentary, as to the Rajah's intercourse with the authorities at Goa, for the purpose of subverting our authority, was so voluminous and complex, that it would be impossible to attempt even a sketch of it. He admitted fully the folly and absurdity of the scheme; but he at the same time contended, that the charge was proved and substantiated beyond the possibility of a doubt. It had been urged, that the charge respecting Goa was a conspiracy, got up for the purpose of completing the ruin of the Rajah. How, he would ask, was that allegation consistent with the fact that General Robertson left the Residency in the year 1831, admitted that he had heard of the Goa intrigue when he was at Sattara, and had represented to the Rajah, that the prosecution of it would involve him in difficulty, and probably be the ruin of the Raj? If it were a conspiracy, he must say, that the conspirators gave themselves a vast deal of unnecessary trouble, and exposed themselves to much unnecessary risk of detection, by adducing no less than forty witnesses. But, independently of the evidence of witnesses and documents, there was corroborative testimony of a very remarkable character. Mr. Spooner, the Collector of the District of Rutnagherry, received secret information of an intended attack upon the Treasury at Vingorla, and in consequence of that information instituted an inquiry. Here was an inquiry, at a remote station, by a magistrate wholly unconnected with Sattara, and for a wholly different purpose, and yet, in the course of that investigation, evidence was taken, strongly confirming and corroborating that given at Sattara, relative to the Goa intrigue. The hon. Member had ridiculed the absurdity of the Goa intrigue, and had expressed his astonishment that the Government could have wasted their time in inquiring into such a matter. He fully admitted the absurdity of the scheme; but he denied that the wisdom or the folly of the Rajah's intrigues, formed any element in the consideration of the matter. Or, to use the words of Sir Robert Grant—

> "To play at treason is a dangerous sport; and I am much inclined to believe, that a State which consents to laugh at such jests as these, will quickly be in a situation to justify the utmost derision of its enemies."

The last charge, that of corresponding with Appa Sahib, the ex-Rajah of Nagpore, was also most fully proved. And what, he would ask, was the conduct of the Rajah, when the letter addressed to him by Appa Sahib was produced and shown to him by Sir James Carnac? Did he indignantly repudiate the charge, or deny the authenticity of the letter? No such thing—he evaded any direct answer, by alleging that the receipt of letters did not constitute guilt on the part of those who received them; and by asking, where are my answers? The hon. Member for Montrose endeavoured to create the impression, that the Bombay authorities were hostile to the Rajah, while the Supreme Government and the Court of Directors disregarded the charges, and disapproved of the investigation. A very unfair impression might be created by reading part of a despatch or a minute without stating the time or circumstances when it was written. It was true, that the Governor General expressed his apprehension as to the danger of becoming involved in an indefinite and inconclusive inquiry; and further expressed his apprehension, that the inquiries might create feelings of mistrust and insecurity throughout India. Previously, however, to the receipt of this communication, the Government of Bombay had obtained the clue to the whole intrigue; and, without troubling the House by further reference to the correspondence that took place

pending the inquiry, he would confidently state, that no one could peruse that correspondence without feeling satisfied that no Indian authority had any hostile feeling towards the Rajah, or any intention or wish to depose him; and that nothing but a clear conviction of the Rajah's guilt, and an imperative sense of public duty, could have induced them to adopt harsh measures. When the whole of the inquiry had been terminated, all the authorities were clearly satisfied as to his guilt; but, there was much discussion, and, at first, some little diversity of opinion, as to the best mode of proceeding, in consequence of that guilt. At this time Sir Robert Grant died, and was succeeded in the government of Bombay by Sir James Carnac, who was invested with full powers to determine the best course, and to bring the matter to a speedy conclusion. Sir James Carnac had been in the chair at the India House, and it was a matter of notoriety that his views and opinions were favourable to the Rajah of Sattara. Sir James Carnac arrived in Bombay in June, 1839, and, in several minutes, took a review of the case, concluding by strongly expressing his opinion in favour of a mild and lenient course of proceeding. He suggested that a strong remonstrance should be addressed to the Rajah, stating, that the Indian Government considered it proved that he had entered into irregular and unwarranted communications with the Goa authorities, and with Appa Sahib, the ex-Rajah of Nagpore, and had attempted to seduce from their allegiance native officers in the service of the British Government. That, nevertheless, the British Government were willing to throw oblivion over all that had passed, upon his renewing and scrupulously adhering to the former Treaty, and undertaking not to injure the persons or families of those who had taken part in the proceedings against him. Subsequently to this proposal, Sir James Carnac received a despatch from the Governor General, enclosing copies of the minutes of the Council of India, who were unanimously of opinion that the charges against the Rajah had been fully proved, and had subjected him to the penalty of deposition. The receipt of that despatch, and the strong opinions expressed by the Governor General and his Council, made no alteration in the sentiments of Sir James Carnac, who still adhered to the lenient course he had suggested; though he distinctly recorded his opinion, that upon a reconsideration of the evidence and inspection of the original documents, and his own observations since his arrival, there was not a shadow of doubt in his mind as to the guilt of the Rajah, on the three charges preferred against him. Sir James Carnac having obtained the sanction and approbation of the Government of India, proceeded himself to Sattara for the purpose of carrying into execution his own lenient and merciful suggestion. He had four several interviews with the Rajah, and no one could read his narrative of the transaction, without being forcibly struck by the anxious solicitude evinced by him to retain the Rajah in his position, and save him from impending ruin. After addressing him in the most conciliatory language, he put into his hands a Mahratta paper, which the Rajah was required to sign, and the translation of which he would read to the House:—

"Information having been received by the British Government, that your Highness, misled by evil advisers, had, in breach of the Treaty which placed you on the throne, entered into communications hostile to the British Government, an inquiry into these accusations was considered indispensable. This inquiry has satisfied the British Government, that your Highness has exposed yourself to the sacrifice of its alliance and protection. Nevertheless, moved by considerations of clemency towards your Highness and your family, the British Government has resolved entirely to overlook what has past, on the following conditions, namely:—

"First,—That your Highness now binds yourself strictly, and in good faith, to act up literally to all the Articles of the Treaty of the 25th of September, 1819, and especially to the Second Article of that Treaty, which is as follows:—The Rajah, for himself, and for his heirs and successors, engages to hold the territory in subordinate co-operation with the British Government, and to be guided in all matters by the advice of the British Agent at his Highness's Court.

"Second,—That your Highness binds yourself to pay your brother Appa Sahib Maharaj, whatever allowances he has heretofore received, and to put him in possession of all his private property; and, should any dispute arise on this subject, the same is to be referred to the Resident, for adjustment. Appa Sahib Maharaj is also to be permitted to reside at any place he himself may choose, under the protection of the British Government.

"Third,—That Bulwunt Row Chitnavees be dismissed from your Highness's counsels, and not permitted to reside within your Highness's

territory without the sanction of the British Government.

"Fourth,—The persons whose names are inserted in a separate list having been guaranteed by the British Government in person, property, and allowances of every description, as the same stood in July, 1836, this guarantee is to be binding on your Highness, and all complaints against them are to be referred to the Resident. Should it appear necessary hereafter, to the British Government, to add the names of any other persons to this list, the same guarantee is to be extended to them, and it is to be acted upon in good faith by your Highness, in any manner that may be pointed out by the British Government. All complaints against these persons are also to be referred to the British Resident for his adjustment.

"The above are the terms to be agreed to by your Highness, and these conditions are to be considered as supplemental to the Treaty of the 25th September, 1819, and to be signed and sealed as such, by your Highness; that there can be no modification in these terms, as your Highness's sincere well-wisher, the British Government offers them in the confidence that your Highness's penetration will recognize their moderation, and the expediency of a prompt acquiescence. It is confidently expected, also, that the clemency of the British Government in preserving your State (raj) will be duly appreciated by your Highness, as it cannot fail to be by the general voice of this country, and induce your Highness, for the future, scrupulously to maintain the relations of friendship and mutual confidence, by acting up to the provisions and principles of the Treaty."

Now, let it be observed, that the Rajah was not called upon to enter into any new terms—he was merely required to observe strictly, and in good faith, the Treaty that he had already entered into; and this he peremptorily refused to agree to, or sign, alleging that he had three several times refused to sign the original Treaty. Sir James Carnac distinctly states, that it was to this, the first of the conditions in the paper, that the Rajah expressed the greatest objection, stating, that by signing it, he would reduce himself to the condition of a Mamlutdar, or farmer of the district. The hon. Member has stated, that the Rajah was called upon to admit his guilt, and that he, therefore, refused to sign the conditions proposed to him. It is true, that the preamble states, that the British Government were satisfied as to the guilt of the Rajah; but he himself was not called upon for any explicit admission of his guilt. It was indispensably necessary to assign some reason in the preamble, for the renewal of the former Treaty, and the introduction of the other conditions in the proposed Paper; and he (Mr. Hogg) did not see how the preamble could have been rendered less offensive. Besides, Sir James Carnac distinctly states, that the objection of the Rajah was not to the preamble. He particularly requested him to point out the particular part of the terms which he objected to, and in reply the Rajah distinctly refused to sign any new agreement whatsoever. Sir James Carnac says, towards the conclusion of his last Minute—

"His conversation with me and his past conduct have satisfied me, that he is a man whom no Treaty can bind, and that he is firmly resolved not to re-enter into and fulfil the stipulations of the Treaty under which he was enthroned."

He attributes his failure to the inflated and erroneous impressions which had been instilled into the Rajah's mind; and, above all, to the confidence he reposed in the numerous agencies he had established in India and in England. He (Mr. Hogg) could not state too strongly his own opinion, that such agents, whether native or European, were the bane of every native Power that employed them. Sir James Carnac having tried in vain, during four interviews, to induce the Rajah to accede to his proposal, and avoid the ruin that must await his refusal, was compelled most reluctantly to determine on deposing him, and placing his brother in his stead. Still, however, he was unwilling to carry this severe sentence into immediate execution; and on leaving Sattara, instructed the Political Agent to send after him any communications which he might receive from the Rajah, hoping still to save the infatuated Prince. He (Mr. Hogg) would confidently ask the House, if it was consistent with our character, and our safety, in India, to pass over, without notice, the attempt of a native Prince, however limited his power, to subvert the British authority; and he would further ask whether it was possible to suggest a course more lenient than that proposed by Sir James Carnac? The suggestion was entirely his own, and opposed to the opinions of the other authorities in India; and every feeling that could influence a public man must have combined to make him use every effort for the success of his own proposal. The hon.

Member for Montrose had asked, with regard to the Goa intrigue, whether any reference on the subject had been made to the Portuguese Government? Why did not the hon. Member tell the House that he himself had written to the nobleman who at that time was Governor at Goa? And what was the answer of the Governor? Not that he had no correspondence or communication with the Rajah of Sattara; but that he had no correspondence relating to political matters. What right, he would ask, had the Rajah of Sattara to communicate at all with the Portuguese Governor, or with any foreign authority whatsoever? He was expressly prohibited from having any communication with any foreign authority; and the forfeiture of his dominion was declared to be the penalty annexed to the violation of that condition. Before leaving this part of the subject, he would ask permission to read two extracts from a minute recorded by the late Mr. Edmonstone, one of the ablest and most benevolent men that ever adorned the British service in India; one known to be ever foremost in maintaining the rights and privileges of native Princes; and, in political experience and knowledge, scarcely inferior even to Mr. Elphinstone.

"The Principality of Sattara had no existence antecedently to the formation of the Treaty with the Rajah. By the subversion of the Peishwa's power, his territorial possessions, of which the territories now composing the State of Sattara formed a part, together with all the rights of sovereignty and supremacy which he exercised, devolved upon us. The Mahratta Federative Compact was dissolved: the nominal supremacy of the imprisoned descendant of Sevajee was virtually extinguished; the materials which formerly constituted the Mahratta Empire were dissipated. The full extent of the Rajah's claim upon the justice, and even the liberality of the British Government, might have been satisfied by a stipend or a jagheer; its policy awarded to him a dominion, under special restrictions however, having specifically for its object to guard against the assumption of that titular supremacy to which he still considered himself to possess an hereditary claim.

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"Finally, I must maintain, that in political questions involving the rights, interests, and conduct of its allies and dependants, the ruling power is the sole and proper judge; and that, in the case now under consideration, the British Government was not required to put the Rajah on his trial, and to be governed by the issue of it; but was strictly justified in deciding, on the ground of recorded and indisputed facts, that by his conduct he had incurred the forfeiture of his dominion, and that it was placed under the absolute necessity of carrying that decision into effect on his refusing to accede to the terms of a new Treaty, which, although it necessarily involved either a direct or inferential acknowledgment of his misconduct, yet only required him in future to abide by the principles of his original agreement, the conditions of which he had failed to observe."

There might be some diversity of opinion as to the mode of conducting the different investigations, and as to the policy of scanning too minutely every violation of political faith by subordinate native Princes; but the main and substantial question before the House was the guilt of the Rajah; and he solemnly declared, he could not understand how any one who had perused the Papers could entertain a doubt as to his guilt, or the justice of the punishment inflicted. He now came to the charges of personal corruption against Colonel Ovans and Ballajee Punt Nathoo; and he must first express his deep regret that an hon. Member who took such a deep interest in the affairs of India, and was well acquainted with the character of its civil and military servants, should have felt it his duty to bring forward such a charge proceeding from such a source. The House would bear in mind, that when calling their attention to the proceedings under the Commission, he had stated that Geerja Baee, the mother of Govind Rao, had presented a petition to Government, giving the names of several persons implicated in the matter then under investigation, and able to afford important information. There was some difficulty in ascertaining the person who had been employed by Geerja Baee to write that petition. At length, Krushnajee Sudasew voluntarily came forward, and stated to Colonel Ovans that he had written the petition by the desire of Geerja Baee; and, to remove all doubt as to the truth of his allegation, he produced a duplicate of that petition, the original having never been out of the possession of Colonel Ovans, thereby proving most satisfactorily that he, Krushnajee, had written and prepared the petition. In December, 1842, this Krushnajee presented a petition to Government, stating that Geerja Baee had promised him 1,250 rupees as payment for his trouble in writing her petition; that of this sum he had only received 150 rupees;

and praying the intervention of Government for the recovery of the balance. He further alleged that Colonel Ovans and Ballajee Punt Nathoo had made themselves responsible for the sum promised by Geerja Baee. This petition was referred by Government to the Resident at Sattara, Colonel Ovans, who reported that he knew nothing whatever regarding the alleged promise of 1,250 rupees by Geerja Baee; that Krushnajee, if he had any claim on Geerja Baee, must proceed against her in the usual manner; and that Government could not interfere in the matter; and a reply to that effect was sent to Krushnajee. Shortly before the receipt of that reply, he had presented a second petition, nearly to the same effect as his first; and, in reply to that petition, he was informed that his allegations had already been considered, and that the decision communicated to him must be regarded as final. He then presented a third petition to the Governor, when on a tour in the Deccan, charging Ballajee Punt Nathoo with having received bribes from the Jageerdars and Ryots. This petition was inquired into, the allegations were declared to be utterly unfounded, and Krushnajee was informed that no further petitions on the subject would be received from him. Notwithstanding this intimation, he presented three or four other petitions to a similar effect, which, by the order of Government, were returned to him. Finding that his petitions presented to Government were returned, he thought he would try his success in another quarter; and he accordingly presented a petition to Mr. Warden, the agent for Sirdars at Poonah, dated October, 1843, reiterating his charges against Ballajee Punt Nathoo, and alleging, as before, that the petition of Geerja Baee had been written by him at her desire, and complaining that the promised reward of 1,250 rupees had not been paid to him. He would beg the attention of the House to this, that Krushnajee, in all his petitions up to October, 1843, alleged that the petition of Geerja Baee had been written by him and by her desire. This man, Krushnajee, now comes forward and declares, that all his former complaints and allegations regarding Geerja Baee were false; that she never employed him to write any petition; and that the petition purporting to have been presented by her, was forged by him at the suggestion of Ballajee Punt Nathoo, who had withheld from him the wages of his iniquity. This wretch forges a petition in the name of Geerja Baee, and then endeavours to extort from the unfortunnate woman payment for having forged a document tending to the injury both of herself and son. He (Mr. Hogg) believed that the annals of human depravity scarcely contained another instance of such infamy—admitted and avowed by the man himself—and yet it was upon the unsupported assertion of this wretch, that the hon. Member for Montrose had thought it his duty to place upon the Votes of this House, charges of bribery and corruption against a British officer of high honour and unblemished reputation. It so happened, that as regarded the case of the Rajah of Sattara, it was entirely immaterial whether the petition of Geerja Baee was authentic or not. That petition stated no facts—it only indicated the names of various persons who could afford information, and these persons were in consequence examined, and did afford important information. Therefore, although the petition was in itself an important document, its authenticity was wholly immaterial. There could not, however, be a doubt that the petition was prepared by the desire of Geerja Baee, and written by Krushnajee. Geerja Baee had called upon Colonel Ovans, and had adverted to and admitted the petition. It had been alleged that Geerja Baee had never called upon Colonel Ovans, but had been personated by some woman, employed for that purpose by Ballajee Punt Nathoo. To this Colonel Ovans had replied, that Geerja Baee had called to visit his wife, that her person was known to him, and that he could not have been deceived. He would add, that Geerja Baee died in April, 1843, and that these allegations were not made until after her death. It was true, that documents had been transmitted to the Court of Directors by the hon. Member for Montrose, showing that Geerja Baee had disclaimed all knowledge of the petition in her name; but his hon. Friend the Secretary to the Board of Control had read to the House a document of a subsequent date, in which Geerja Baee alleged that the supposed denial was extorted from her. He had already stated that Ballajee Punt Nathoo was a native of great influence, and of the highest character and respectability, and had been rewarded by the British Government for the valuable

services he had rendered: that he had been connected with the British Government in India for nearly half a century; and he had read extracts from documents, showing the high estimation in which Ballajee Punt Nathoo was held by Mr. Elphinstone and all the public authorities who succeded him. This man had given useful information to Government in the Sattara affair, and had, therefore, been persecuted ever since with a most inveterate and implacable malignity. The charges preferred against him had again and again been declared false and malicious by the proper authorities in India; and this last attempt was now made here, to endeavour to disgrace, by foul charges, the name of a man now on the confines of the grave. The charges against Colonel Ovans were, that he had obtained payment of the Rajah of the sum of 1,500 rupees per month to his father-in-law, and that this allowance was, on his death, transferred to his brother-in-law, who received it up to this day; and that when Colonel Ovans's lady and children proceeded to England, gold bullion, and Venetian necklaces, to the value of 50,000 rupees, were purchased by the Rajah, and given to the Resident. These charges were not even adverted to in the letter from Krushnajee to the Court of Directors in December, 1843. For upwards of five years, every attempt has been made to cast imputations upon the judgment and impartiality of Colonel Ovans—but it was not (as Sir George Arthur says) until the eleventh hour, that his calumniators had dared to cast an imputation upon his integrity and honour. These charges were preferred before Mr. Warden, the agent for Sirdars, who made no inquiry whatever into them; he merely took the usual sureties, and referred the matter for the orders of the Government. The Government, finding that the charges preferred against Ballajee Punt Nathoo were identical with those which had so often been declared false and malicious, dismissed them without further notice or inquiry. He was happy to say, that with regard to the charges against Colonel Ovans, no inquiry was made by the Bombay Government. Knowing the high honour and unblemished character of that distinguished public officer, and the infamous source from whence the charges proceeded, the charges were spurned with contempt by the Bombay Government, as they were by the Court of Directors, and as he hoped they would be by the British House of Commons. Sir George Arthur states, in his minute, that he had the fullest opportunities of knowing the bearing and reputation of the public servants in his presidency, and he declared that he would name Colonel Ovans among those who stood highest in the public respect and estmation. Sir Thomas M'Mahon, the Commander in Chief, did not deem the charges deserving even of notice, and satisfies himself by saying that they ought to be dismissed without inquiry. He would ask permission to read an extract from the minute of Mr. Crawford, who had known Colonel Ovans from the time of his arrival in India. Mr. Crawford says—

"I have known Colonel Ovans personally, from his first arrival in India (I think, as far back as the year 1808, or thereabouts) to the present time; and I may add, intimately, throughout that period. For although circumstances prevented our meeting in later time for a considerable number of years, I never lost sight of him, or of the estimation in which he was held by all classes. Of his pecuniary transactions, I had also an opportunity of knowing much in former days: and, certainly, his disregard of all selfish considerations, untainted, however, by any approach to extravagance, would point him out to me as amongst the last men in the service who would be guilty of corruption, or dishonourable dealing in any way. In fact, to sum up my opinion of Colonel Ovans in a very few words, I believe him to be utterly incapable of the acts imputed to him by this petitioner, or of any act as a public servant, or private individual, that need be concealed from any one. With these sentiments, I would deal with this, as all former petitions from the same source, dismiss it at once."

He would also ask permission to read a short extract from the minute of Mr. Reid, the third and only other Member of Council:—

"The character and reputation of honourable men, who have well and zealously served the State, must not be left at the mercy of worthless and irresponsible individuals, who, urged by disappointment, or by some more unworthy motive, or employed as the mere tools of a faction, step forward as public accusers."

And in conclusion he says—

"Taking this view, I consider it quite unnecessary to make any remarks on the case before us, further than to express my regret that an officer of Colonel Ovans's established character should be liable to be traduced by such a person as Bhire appears to be. But, this is an evil to which all public men are exposed, and especi-

ally those who, in doing their duty, place themselves in opposition to the interests of influential and unscrupulous adversaries."

He felt that an apology would be necessary, both to Colonel Ovans and to the House, if he were to enter into an argument to show the absurdity, as well as the falsehood, of these charges. It had been stated by his hon. Friend the Secretary to the Board of Control, that neither Colonel Ovans's father-in-law, or brother-in-law, had ever been in India. It appeared further, that the receipt of the alleged pension of 1,500 rupees was stated to have been of long standing, and as Colonel Ovans's family went home in April 1843, the receipt of the gold bullion and necklaces was also a transaction not of recent date. How came it, then, that these matters had never before been adverted to? It was pretty obvious, that the adherents and advocates of the Rajah were not very scrupulous, and yet neither in petition, nor in debate at the India House, where the matter had been so often and so warmly discussed, was there ever even an allusion to any such charges. The last debate at the India House was only about six weeks ago, and no allusion whatever was there made to the subject, though Colonel Ovans was personally assailed, and the hon. Member for Montrose had expressed his surprise that he had not thought himself called on to attend and defend himself. He (Mr. Hogg) thought, that the course pursued by Colonel Ovans was the course that ought to be pursued by any man of high honour and conscious integrity, under such circumstances; and he would ask permission to read to the House a letter addressed by Colonel Ovans to Mr. Melvill, the Secretary to the Court, a few days previous to the debate referred to:—

"1, *Charles Street, Lowndes Square, 14th June*, 1845.

"My dear Mr. Melvill—I should not have considered it necessary to have made any observations on the proceedings at the last Quarterly General Court of Proprietors, held at the India House on the 19th of March last, had it not struck me that I might be expected to appear in person to defend my conduct, as a public officer, from the accusations brought forward by Mr. G. Thompson. But, as I think, such a course of proceeding would be generally condemned, and, moreover, would be highly injurious to the public service, I trust, you will oblige me by submitting the following points to the Chairman and Deputy Chairman on the subject:—

"These points are — 1st, That as the Sattara case has been duly disposed of by the Government of India, the Court of Directors, and the Board of Control, it does not become me, as a public servant, to interfere.

"2nd, That my conduct as regards the case having been approved of by the Court of Directors, I feel confident I may safely trust my defence in their hands.

"3rd, That I, therefore, rest assured, that whatever discussion may hereafter arise, the Court will do me the justice to believe, that it is from no apprehension or unwillingness to meet any charge that may be made against me that I refrain from attending personally in that Court, but solely from a strong sense of public duty; inasmuch as it appears to me, that it would be very prejudicial to the public interests for officers, who had held high political employment in India, to attend in that Court to answer charges affecting not only their own acts, but those of their official superiors, both in India and in England.

"As regards this case, therefore, I will only add, that I am ready and willing to afford any explanation that may be called for by the Court of Directors. But that, as I before said, I conceive it would be very hurtful to the public service to admit (by attending personally in the Court of Proprietors) the right of Mr. G. Thompson to examine and try the servants of the East India Company for acts done in their official capacity whilst serving in India.—I remain, &c.

"C. OVANS."

The hon. Member had said, if Colonel Ovans is conscious of his own innocence, why does he not court inquiry, which could only end in the refutation of the charges? He (Mr. Hogg) contended that the mere institution of an inquiry into the truth of charges so foul and infamous, would be a stigma upon the character of any man. By whom were these charges preferred? By a wretch who, at the very moment he preferred them, avowed himself guilty of forgery, perjury, and extortion: character would indeed be valueless, if it did not protect a public servant of tried ability and unblemished reputation, from such charges proceeding from such a source. He urged these considerations even more strongly, with regard to Ballajee Punt Nathoo. It might be matter of feeling, or perhaps he ought rather to say of prejudice. But he appealed to all who had been in India, as to the correctness of what he said, when he stated, that among natives of high caste, character, and influence, the disgrace of inquiry is little less than that of conviction. No failure, no exposure, could add to the infamy of Krushnajee; while his malignity would be gratified, if he could throw a shade

time to do it in such a manner as should save the credit of those who had pledged themselves to his guilt; and hence it was that he (Sir E. Colebrooke) believed that the new Governor had recourse to that extraordinary expedient that had been alluded to in debate, of offering terms of amnesty to the Rajah, on condition of his subscribing a Treaty which should contain a full confession of his guilt. He understood that the hon. Member for Beverley denied that the Treaty contained such an admission; and yet it stood recorded on the preamble and on every part of the document. Even the very fact of renewing the old Treaty was only intelligible on the supposition that the former Treaty was broken or at an end. But not merely that; Sir J. Carnac, in his address to the Rajah, when he offered him these terms, reports that he made him a long speech on the subject of his criminality and ingratitude, and wound up with a parade of the magnanimity of the Government in offering terms of grace. He would read the Rajah's reply, as given by Sir J. Carnac, and the House would then judge whether the hon. Member for Beverley was justified in saying that the Rajah's refusal of the terms did not turn upon the point of his confession of guilt.

"During my address, (are the words of Sir J. Carnac,) the Rajah evinced a considerable degree of impatience, and frequently interrupted me by abrupt declarations that he had committed no breach of alliance. When I had concluded, he stated that he regarded me as his friend and well-wisher, asserted that the accusations against him originated in the intrigues of his enemies; that as long as the British Government entertained the idea that he had cherished hostile designs, he could agree to nothing; but this idea being removed, he would agree to any thing I proposed; that he would consent to any thing except to abandon his religion, or to acknowledge that he had been our enemy."

He (Sir E. Colebrooke) considered the Rajah's reply dictated by proper pride and conscious innocence. He refused to accept the dishonourable terms offered to him, and he was accordingly dethroned. Having said thus much in favour of the Motion of his hon. Friend the Member for Montrose, he regretted having, in some measure, to qualify his approbation. But he could not agree to that part of the Motion which impugned the conduct of the Government, in refusing to enter upon the accusations against Colonel Ovans, as detailed in the petition of Krushnajee Sudasew Bhidey. He thought, upon reading the Papers laid before Parliament, that the Government had come to a proper decision upon that subject; and he was the more disposed to make this admission, because he did not think that the Rajah's case was materially improved before the House, by entering upon the points detailed in those petitions. He thought the case weakened by entering into such details; the House was an unfit tribunal to enter upon such questions of evidence; but they were fully qualified to judge whether the proceedings towards the Rajah had been marked by fair dealing, and whether they were conducted with regard to substantial justice. It was in this point of view that he had submitted his observations to the House. He thought that the whole proceedings towards this unfortunate prince were reprehensible, and having a strong opinion on the subject, he could not allow this opportunity to pass by without stating them to the House.

Mr. *Wakley* said, it appeared to him that upon all questions of personal grievance the Government seemed to make it a rule to get rid of the complaint by a large majority, and thus the responsibility of the Executive Government was removed from it by the decision of the House. He thought that this was rather an appeal to the Government than to the House. The First Lord of the Treasury ought to make himself perfect master of the case, and bring it to a satisfactory conclusion. For his own part, he knew little or nothing of it until he heard it discussed in the House that night; and having listened patiently to the statements that had been made on both sides of the House, he had come to the conclusion that the Rajah of Sattara was a most injured man, and that the least that could be done was to institute an inquiry. Should the prayer of the Rajah's petition be withheld, it would be a most serious reflection upon the Government. The hon. Member for Beverley had failed to prove what he attempted. Commenting upon the evidence taken at Sattara, the hon. Member opposite had said that the witnesses were most reckless persons, that they utterly disregarded the truth, and that they had no apprehension of consequences, their names being concealed.

Yet upon that evidence the Rajah had been deposed and banished, and was at the present moment an exile at Benares, and doomed to remain so, unless that House or the First Lord of the Treasury would interfere. Would the House refuse inquiry? Did they not feel that they were dealing with the case of an innocent man? Nothing could prove his innocence more than his pertinacious refusal to sign a document confessing his guilt, with all the awful consequences of that refusal staring him in the face. Why, Sir J. Carnac would have permitted the Rajah to remain on the throne, to exercise royal authority, and to remain in connexion with the British Government, had he signed that document? That was proof demonstrative that Sir J. Carnac believed him to be an innocent man. Could Sir J. Carnac believe that he was dealing with a traitor? If he did, he himself would be liable to impeachment for the course he attempted to take.

Mr. *Bingham Baring* was induced to make a few observations on what had fallen from the hon. Member for Taunton (Sir T. E. Colebrooke). The hon. Member had drawn an analogy between the inquiry which had been made into the case of the Rajah of Sattara, and that which had been made into the case of a feudal chieftain in the North-West Provinces, who had been guilty of the murder of Mr. Fraser; but it was impossible to adapt the same mode of proceeding to the judicial trial of a subject for the crime of murder, and to the investigation of the political conduct of a dependent Sovereign to whom a breach of Treaty was alone imputed. Much blame had been cast upon Sir Robert Grant's conduct in this case; but the circumstances of India at the time had been altogether overlooked. The right hon. Member for Edinburgh told us, in a debate upon the Affghan war, that there prevailed about that period a general impression throughout the whole Empire, that the epoch of British dominion had reached its term. The star of England was considered to be upon the wane, and the advent of a mysterious power from the North-West was expected to overwhelm us. Upon the same occasion, the authority of General Cubbon, Governor of Mysore, and of Colonel Sutherland, Governor of Rajpootana, were quoted, to show that there never had existed such a ferment among the native princes of India. We know, moreover, that the Rajah of Kinnoul had collected munitions of war in the castles of his Principality, sufficient for the outfit of a large army, and that an insurrection had broken forth lately at Hyderabad. These were the circumstances under which Sir Robert Grant acted; he would not otherwise have noticed intrigues, contemptible in themselves, and of common occurrence at all times in the proceedings of native courts. The inquiry he had to institute was conducted by our Resident in a foreign State, among the subjects of the accused monarch. It was, from its very nature, beset with imperfections, which rendered its result unsatisfactory as a foundation whereon to act. It was in consideration of these imperfections that the Home Government, although satisfied of the guilt of the Rajah, determined to overlook it. They selected as the new Governor of Bombay the Chairman of the Court of Directors, who had shown himself favourable to the accused monarch. He determined, on his arrival in India, to undertake, in person, the negotiation, which was a necessary preliminary to the restoration of the Rajah to his Throne. His subjects had committed themselves by giving evidence before our Commission. We were bound to protect them from persecution. His brother had been implicated. It was necessary to secure to him his estates and pension. The Rajah had for many years refused to comply with the Second Article of the Treaty, which had placed him upon the Throne, and had pledged him to conform, in all things, to the advice of the British Resident. It became necessary, therefore, as a guarantee for the future, to insist upon again recognising the Treaty of which he had been entirely forgetful. These were the three conditions contained in the Mahratta memorandum which he was called upon to sign. He positively refused. The hon. Member for Taunton says that the plea of his refusal was, that he was thereby called upon to acknowledge his guilt. This plea was not advanced by the Rajah at the time: it was an afterthought, suggested by his European advisers. The allegation of guilt contained in the preamble of the memorandum presented for his signature, was an allegation of the belief of the British Government in his guilt; but he was not required to sign the preamble. Sir James Carnac himself assured him (Mr. Baring),

that he should most readily have met such an objection by cancelling the preamble, which was altogether needless for the purpose he had in view, which purpose appears upon the face of the documents to have been to obtain the guarantee of the Rajah, for the future observance of the Treaty, for the amnesty of the acts of the witnesses, for the payment of his brother's pension. Look at Sir James Carnac's declaration, written before he quitted Bombay. Look at Mr. Farish's minute approving of the deposal of the Rajah, in which he wrote at the time—

"2. My entire conviction of the Rajah's guilt in the instances charged against him is on record; subsequent events have only tended to confirm it; but the very act of his refusing the conditions of oblivion and reconciliation—conditions which even spared him the mortification of expressly acknowledging guilt, particularly the first, as connected with his remark that it would place him in a subordinate situation, is a virtual declaration that he did not hold himself bound by the Treaty of 1819; and, even setting aside his former infractions of the Treaty, shows that no dependence could have been placed on him at any future period."

Look at the evidence of the Rajah himself, contained in his own recital of events, communicated by him to the Nizam—a document which contains nothing upon which accusation might be rested—a document which bears every stamp of authenticity. He there says—

"5. 'The whole substance of the new memorandum (yad) is this, that nothing is to be done without consulting the Resident. Then I am to be like a Mamlutdar only, and to be subject to continual annoyance, and to have my people wearied, and entirely to let the statements of my enemies be confirmed.' I would not sign it, in consequence, although the Resident brought me the memorandum, and left it to them to make what arrangements they thought proper, on making reference to (the authorities) in Europe and Calcutta, for when requisite I shall speak in presence of those gentlemen who were present, whatever I have to say."

It was thus shown by the evidence of Sir James Carnac, of Mr. Farish, of the Rajah himself, that he was dethroned, not for his violation of the Treaty, but because he refused to give us those guarantees for the future which his previous conduct had entitled us to demand. So much with regard to that part of the speech of the hon. Member for Taunton. As for the rest, he rejoiced to find that the hon. Member for Taunton did not concur with the hon. Member for Montrose, in giving credence to the accusation against Colonel Ovans, and Balajee Punt Nathoo, a native of high rank and character, a constant friend of the British Government, and a confidential adviser of Mr. Elphinstone, in his settlement of the claims of the Southern Mahratta Jaghiredars. He would not go further into that part of the case, which had been so ably treated by others; but he could not refrain from expressing his indignation that upon the evidence of so worthless a character, after the perusal of the complete justification presented in the Papers before the House, charges of such a nature should be reiterated against men of such high and unblemished character.

Mr. *Hume*, in his reply, was understood to say that he would confine himself chiefly to one point. The hon. Member for Beverley had defended Colonel Ovans, and found fault with him for his observations on that officer. In reply to the hon. Member, he would beg leave to read to the House an extract of a statement he had previously submitted to the Earl of Ripon. In that he said—

"In a letter from Captain Durack to Colonel Ovans, dated 27th September, 1837, and forwarded by that officer to the Bombay Government, it is stated that Colonel Ovans authorized the writer (Captain Durack) to pay a sum of money to an obscure subject (Bhaw Lilly) of the Sattara State, for Papers that would implicate his Sovereign; and it appears that the sum of 150 rupees was actually paid in advance.

"By his letter to the Bombay Government, dated the 11th November, 1837, par. pa. 403, Colonel Ovans reports that he has obtained Papers from one Balkoba Kelkur (a gang robber) for 400 rupees (40*l.*) most important against the Rajah. These Papers consisted of letters, alleged to be from the Portuguese Viceroy of Goa to the Rajah, (which the Viceroy, now in Lisbon, has deposed to be foul forgeries,) and seals (which are proved not to be the Rajah's) with other documents, not one of which is proved to be genuine. Yet, will it be credited, that on the 21st September, 1842, Colonel Ovans makes an affidavit, in defiance of these recorded facts, that he never, directly or indirectly, purchased evidence of any witness or witnesses whatever; and although Colonel Ovans (now in England) has been publicly accused of moral, if not legal perjury, by the Rajah's agent, now in England, he has not availed himself of the usual facilities for clearing his character of imputations which the most obscure individual would

consider an everlasting stigma upon his respectability and good name."

For everything there stated he had vouchers in the Papers on the Table of the House, and he put it to the House, whether the contradiction between Colonel Ovans's statement on November 11th, 1837, and his statement on September 21st, 1842, was not a complete vindication of what he had stated to the House, and a complete refutation of the hon. Member for Beverley's remarks? But he held in his hand other Papers, which confirmed all that he had advanced. He had the letters of Captain Durack to Colonel Ovans; he had a translation of the receipt for 150 rupees for the service which Bhaw Lilly agreed to perform. He had the copy of the forged seals of the Rajah, which were purchased by Colonel Ovans, and produced by him as evidence against the Rajah. He had copies too of the real seals which were produced by Rungo Bapojee, in proof of the forgery of those purchased by Colonel Ovans. All these, he contended, were clear and distinct proofs that Colonel Ovans was aware that evidence had been suborned against the Rajah, and that it was on this suborned evidence his proceedings were founded. He would not then go further with the case, nor would he press his Motion to a division. He had done his duty in bringing the subject under the notice of the House, and he threw on the Members the responsibility of rejecting his Motion, and neglecting to do justice to an injured Prince. He would only warn them that the preservation of our Empire in India must in the end depend on securing the affections of the natives, and that to pursue towards their princes a career of injustice, was to endanger our Indian Empire. If Ministers took no steps in the matter, he would bring the subject again before the House early next Session.

Question put, and negatived.

BUTTER AND CHEESE.] Mr. *Ewart* rose to move that the House go into a Committee to consider the Duties of Customs on Butter and Cheese. He was of opinion that these duties should be totally repealed; in the first place, because they placed well nigh a prohibition on the consumption, by the poorer classes, of articles of the greatest importance to them; in the second place, because they operated as a great restriction upon our trade and commerce; in the third place, because their repeal, so far from injuring the revenue, would increase it; and, in the fourth place, because, when they were imposed originally, it was with no intention of their being permanent, the object of their being imposed, at the close of the war, being to give an impulse to the sale of Irish produce. As to the poorer classes, these duties had the effect of doubling for them the price of these essential articles. As to our trade, their repeal would infallibly extend our commerce with Holland 50 per cent., and that with the United States from 75 to 100 per cent.; this extension, moreover, especially applying to those States with which our relations required to be established on a greater and more friendly footing. Experience had fully shown, in the case of coffee, tea, and other articles, that a reduction of duty was sure to produce a more than equal amount of revenue from the greater consumption of the articles, while in every other respect the results were clearly most beneficial. His proposition, doubtless, would be resisted by agricultural Members; yet their constituents were deeply interested in the repeal of these duties, so large a proportion of what butter and cheese they did manage to get being of foreign produce, and the price of this being, as he had said, doubled to them in consequence of the Tariff. He would not trouble the House further at present, but simply move that the House go into Committee.

The *Chancellor of the Exchequer* said, he should certainly confine himself, as the hon. Member had anticipated, to the financial bearings of the subject. The hon. Member had intimated that if they went into Committee, he should move the total repeal of these duties; to that Motion he should offer a decided opposition. He need scarcely remind the hon. Gentleman or the House, that the financial arrangements for the year had been made. In making those arrangements, the Government had endeavoured to give the most relief to the interests of the country. Some there were who thought they had gone beyond prudence; but that they had gone to the extreme verge of prudence was the opinion of all, for they had proposed such a reduction of duties, that when the calculations of revenue and of expenditure for the year were made, they proposed to leave at the end of the year a surplus not exceeding 100,000*l*. It was his duty,

therefore, not to yield to any further reductions, which could not be made without the risk of a considerable deficiency. The two duties on butter and cheese produced last year a sum of 347,000*l.*, which he could not consent to give up, neither could he consent to state now what course he would pursue for the future. It was the duty of a financial Minister not to express a premature opinion, which expression might be made use of and operate injuriously. It would be fatal to those who were engaged in business if a course of future policy were promulgated at the end of a Session which would derange the trade of the country, whilst there might be circumstances in the country afterwards which would prevent the promised repeal. On the propriety, however, of these, as of all other duties, he would reserve his opinion till that period of the year when the finances were to be considered; and when he knew the circumstances of the country at the time, he would take such a course as would best promote the general interests of the country.

Mr. *M. Gibson* admitted that the right hon. Gentleman ought not to be expected to announce on the part of the Government what reduction of duties they would propose, and what would be their fiscal policy for the future. He was glad, however, to find the right hon. Gentleman justifying these duties only on fiscal grounds, and declare that the only benefit the country received from these duties was 347,000*l.* It had been proved that the present duties cause a considerable reduction of human food, and that if there were no importation the agricultural labourers would not be able to procure cheese or butter. Knowing something of the agricultural labourers of Suffolk, he could say they consumed a great deal of the inferior kinds of foreign cheese. He knew that the cheese of Suffolk was hardly eatable, and, as it was said, the dogs barked at it, and he thought a duty of 100 per cent. was too high to be maintained, if they put on any duty at all. The cheese growers of this country could not supply one-half the wants of the country. The duty on corn here had a tendency to increase the arable and to destroy the pasture land, whilst they maintained this high duty on cheese and butter. The end of the war was of all times the most strange for increasing taxation, and he called upon the Government at the earliest period to take a course which he had every confidence they would take, and consider these duties which affected most important interests in the country.

Mr. *Hume* thought, it could be shown that the Revenue would receive the same amount of money, and the duty be reduced at the same time. Every reduction of duty on other articles had increased the Revenue; and if these duties were reduced one-half, the same sum might be received, and a great benefit conferred.

Mr. *P. Howard* said, that in Warwickshire, Cheshire, and some other counties, where a large quantity of cheese was made, the farmer would suffer materially if that branch of agricultural produce were much interfered with. After the concession which the Government had made to the commercial interest at the commencement of the session, he thought it was hardly fair to make any fresh demand. The agriculturists ought not to be deprived of all protection.

Mr. *Newdegate* would only make a single observation. It was to express a hope that though the agricultural Members might be silent on the present occasion, the House would not suppose them to be indifferent to the subject under consideration.

Mr. *Cobden* feared if some of his hon. Friends near him supported a scale of duties for such articles, it would be necessary for him to dissolve partnership with them. It would, he was convinced, be found that any duty on articles of food would fall doubly as heavy on the labouring man as on the rich man, and thus the Government would be in a dilemma, in which they should abolish the duties altogether. Though the hon. Members for Derbyshire, and some other counties, might find it to be for the interest of their constituents to support the duties on butter and cheese, he could not see why the Members for Norfolk and Suffolk, for instance, should adopt the same course. If the right hon. Baronet would take the trouble of making inquiries on the subject, he would find that there were six or eight counties taxing the rest of the country, as well as all Ireland and Scotland, in order that they might receive a high price for their cheese. In the same manner, if the right hon. Baronet took up other articles, such as oats, beans, hops, and barley, which were produced in par-

ticular districts, he would be able to checkmate every county in the kingdom. He would be thus able to show that they were pursuing a system by which they were picking each other's pockets, and by which they were all losers in their turn, while the whole country was a loser along with them. With regard to the question before the House, he felt confident that it would be dealt with next year, if not in the present Session; and he hoped that other heavily taxed articles—such as silk, which had been alluded to in the course of the present debate—would be taken into consideration at the same time.

Mr. *Tatton Egerton* said, the hon. Member who had just sat down had talked of the agriculturists picking one another's pockets, but he had said nothing about the great manufacturers of Lancashire or Yorkshire adopting the same course in picking the pockets of all England. He did not, however, reproach the manufacturers for making large fortunes; but he would ask, why were not the landed proprietors to have also a return for their capital? If the profits of the two classes, namely, the agriculturists and the manufacturers, were compared together, he was convinced that the latter would be found to be beyond all comparison the greater.

Dr. *Bowring* said, if the manufacturers of this country required the consumers to pay a higher price than the same article could be procured for elsewhere, then, indeed, the comparison drawn by the hon. Member who had last spoken would hold good. But the manufacturers had repeatedly declared that they required no protection, and they even showed that those manufactures which had been most protected had progressed least.

Sir *Robert Peel* had been rather curious to know what Motion the hon. Member would have made, provided he succeeded in inducing the House to go into Committee. In the early part of the Session, when the hon. Member before brought the subject forward, he had been under the impression that the object of the hon. Member was to move for an absolute and total repeal of these duties; but now, when his right hon. Friend had argued that the Motion of the hon. Gentleman involved a loss of 350,000*l.* to the revenue, the hon. Member cried out "no, no," as it implied only a reduction of the duty. But how was it to be expected that Her Majesty's Government could seriously consider a reduction of 350,000*l.* in the Revenue at the present period of the Session? At an earlier part of the year, when they found themselves, in consequence of the renewal of the Income Tax, with a considerable surplus to deal with, they proceeded to propose reductions in the duties on various articles to the amount of 3,400,000*l.* Now, it would have been perfectly open to any hon. Gentleman, when these reductions were under consideration, to have proposed the remission of some of these duties, in order to substitute others for them; but, instead of doing so, hon. Gentlemen approved of the various reductions that had been proposed by the Government, and now, after having permitted them to be carried into effect, and after the Government had reduced their estimated surplus revenue to 100,000*l.* for the year, the hon. Gentleman comes forward in the month of July and proposes a farther reduction of 350,000*l.*, for some time, at least, in the taxation of the country. The Government had already left the surplus revenue much smaller than under ordinary circumstances would be desirable; but they wished to make a great financial experiment, and they therefore ventured as far as they possibly could go. Again, if the present Motion were carried, another hon. Member (Mr. Foster) intended proposing another Resolution, which involved an additional reduction of no less than 80,000*l.* He would ask, did the House think it right to annihilate the small sum that would remain in the hands of Government, and to run the risk of having a deficiency of 200,000*l.* or 300,000*l.* at the end of the present year? He opposed this Motion wholly on financial grounds, and he thought it decidedly objectionable to permit the propositions of Her Majesty's Government with regard to finance to be confirmed at the proper period of the Session, and that each individual Member should be at liberty to make propositions involving large financial changes. If the House had not confidence in the Government, whose business it was to bring forward a proposition of finance for the year, let a Motion of want of confidence be made. He said that the Government was bound, at the proper period of the year, to make an exposition of their financial scheme for the year, and then it was for the House to adopt or reject it; but to take the course adopted by the hon. Member opposite, of bringing

forward a financial proposition of this nature late in the Session, must derange the commercial policy of the country, and render it altogether uncertain what line would be pursued. He trusted the House would not accede to the Motion.

Colonel *Sibthorp* said, he for one had not confidence in the Government. The right hon. Baronet asked, why not bring forward a Motion of want of confidence? If such a Motion were made, the right hon. Baronet would probably find himself having recourse to the other side of the House to help him through.

Mr. *M. J. O'Connell* wished his hon. Friend would not press his Motion to a division; but at the same time, if he did so, he (Mr. O'Connell) would feel it his duty to vote with him. His constituents depended more on the sale of butter, than even on corn; but still he thought one rule should be applied to all agricultural produce; and in proof of the little danger which was to be apprehended from foreign competition, he might refer to the flax-growers of Ulster, who, though at first alarmed at the reduction of the duty on flax, now produced a larger quantity of that article than they had ever done before.

Mr. *Ewart* replied: he begged to remind the right hon. Baronet, that it was in consequence of the right hon. Baronet's suggestion he had postponed his Motion on a former occasion. He wished, also to add, that when he spoke of a reduction in these duties, it was from a conviction, that if the rates of duty were reduced one-half on butter and cheese, the gross amount received by the Revenue would fully equal that now arising from these sources.

The House divided:—Ayes 38; Noes 136: Majority 98.

List of the AYES.

Aglionby, H. A.	Fielden, J.
Baine, W.	Forster, M.
Barnard, E. G.	Hastie, A.
Berkeley, hon. C.	Hindley, C.
Blake, M. J.	Hollond, R.
Bouverie, hon. E. P.	Hume, J.
Bowring, Dr.	Mitcalfe, H.
Brotherton, J.	Mitchell, T. A.
Christie, W. D.	Moffatt, G.
Clay, Sir W.	Morris, D.
Cobden, R.	Muntz, G. F.
Collett, J.	Norreys, Sir D. J.
Dennistoun, J.	O'Connell, M. J.
Duncan, G.	Pechell, Capt.
Dundas, Adm.	Plumridge, Capt.
Strickland, Sir G.	Ward, H. G.
Tufnell, H.	Wawn, J. T.
Villiers, hon. C.	
Wakley, T.	TELLERS.
Walker, R.	Ewart, W.
Warburton, H.	Gibson, M.

List of the AYES.

Ackers, J.	Gladstone, Capt.
Acland, T. D.	Gore, M.
A'Court, Capt.	Goulburn, rt. hon. H.
Acton, Col.	Graham, rt. hn. Sir J.
Antrobus, E.	Granby, Marq. of
Arbuthnott, hon. H.	Greene, T.
Arkwright, G.	Grimston, Visct.
Astell, W.	Hamilton, C. J. B.
Barkly, H.	Harcourt, G. G.
Baring, rt. hon. W. B.	Heneage, G. H. W.
Bennett, P.	Herbert, rt. hon. S.
Bentinck, Lord G.	Hinde, J. H.
Blackburne, J. I.	Hope, hon. C.
Boldero, H. G.	Hope, A.
Borthwick, P.	Hotham, Lord
Botfield, B.	Hussey, T.
Bowles, Adm.	Ingestre, Visct.
Bradshaw, J.	Jermyn, Earl
Bramston, T. W.	Jocelyn, Visct.
Broadley, H.	Jolliffe, Sir W. G. H.
Broadwood, H.	Jones, Capt.
Bruce, Lord E.	Lennox, Lord A.
Bruges, W. H. L.	Lockhart, W.
Buller, Sir J. Y.	Lowther, Sir J. H.
Cardwell, E.	Lygon, hon. Gen.
Carew, W. H. P.	Mackenzie, T.
Chute, W. L. W.	Mackenzie, W. F.
Clive, Visct.	M'Neill, D.
Clive, hon. R. H.	Martin, C. W.
Cockburn, rt. hn. Sir G.	Masterman, J.
Codrington, Sir W.	Meynell, Capt.
Collett, W. R.	Morgan, O.
Compton, H. C.	Mundy, E. M.
Corry, rt. hn. H.	Neeld, J.
Cripps, W.	Neeld, J.
Damer, hon. Col.	Newdegate, C. N.
Darby, G.	Newport, Visct.
Dawnay, hon. W. H.	Nicholl, rt. hon. J.
Denison, E. B.	Northland, Visct.
Dick, Q.	Ossulston, Lord
Dickinson, F. H.	Packe, C. W.
Duckworth, Sir J. T. B.	Pakington, J. S.
Duncombe, hon. A.	Palmer, G.
East, J. B.	Patten, J. W.
Egerton, W. T.	Peel, rt. hn. Sir R.
Escott, B.	Peel, J.
Estcourt, T. G. B.	Pennant, hon. Col.
Farnham, E. B.	Polhill, F.
Feilden, W.	Pringle, A.
Ferguson, Sir R. A.	Pusey, P.
Fitzmaurice, hon. W.	Rashleigh, W.
Fitzroy, hon. H.	Repton, G. W. J.
Flower, Sir J.	Richards, R.
Fox, S. L.	Rolleston, Col.
Fremantle, rt. hn. Sir T.	Round, J.
Fuller, A. E.	Scott, hon. F.
Gardener, J. D.	Sibthorp, Col.
Gaskell, J. M.	Smith, A.
Gladstone, rt. hn. W. E.	Smith, rt. hn. T. B. C.

Somerset, Lord G.	Trollope, Sir J.
Sotheron, T. H. S.	Tyrell, Sir J. T.
Spooner, R.	Vernon, G. H.
Spry, Sir S. T.	Vesey, hon. T.
Sturt, H. C.	Walsh, Sir J. B.
Thesiger, Sir F.	Wellesley, Lord C.
Thornhill, G.	Yorke, hon. E. T.
Tollemache, hn. F. J.	
Tollemache, J.	TELLERS.
Tower, C.	Young, J.
Trevor, hon. G. R.	Baring, H.

CUSTOMS DUTIES.] Mr. *Forster* then moved, that the House resolve itself into Committee, for the purpose of considering the propriety of repealing the duty on a great number of articles, such as quinine, torrified starch, horses, mares, colts, &c. He would not, at that late hour, trouble the House by going into the particulars of all these items; but he thought, considering the small amount of duty received from them, that they ought to have been included in the general Tariff; and he hoped the right hon. Baronet would give some satisfactory reason for their omission.

Sir *R. Peel* said, when he had brought forward his reduced Tariff, he did not state that there were not other articles on which a reduction of duty ought not also to be made; but, considering the progress that the Government had made during the past three years in commercial reform, he thought the House might very well leave further alterations in their hands for future consideration.

Motion withdrawn.

FEES IN CRIMINAL COURTS.] Mr. *Escott*, in moving the Second Reading of Fees in Criminal Courts Bill, said, persons brought up to a court of justice had certain fees to pay if they were not convicted; and those who were found guilty, had frequently to pay more than ten times the amount of the fine imposed on them in the shape of fees. Interests had sprung up from these fees to defend this system. There were those now living, who remembered when the office of clerk of assize was sold for several thousand pounds, and by a Judge of assize. He trusted that the Bill would be read a second time. If, in preparing its provisions, he had gone too far in any particular, that might be considered in Committee. They could not possibly stop short as regarded the great principle involved in the measure.

The *Attorney General* observed, that the House should take care that they were not hurried into rash legislation as to this matter. To a certain extent, he entirely agreed with the hon. and learned Member. The hon. and learned Gentleman was induced to take up the subject, by reason of great abuses which existed in the county with which he himself was more intimately connected. These abuses principally consisted in exacting fees from persons before they were allowed to plead, in taking fees from parties who were acquitted, and in compelling persons to traverse, and so obtaining fees from them. He entirely agreed with the hon. and learned Member, that these were great abuses, and that they should also be remedied; and he was quite prepared to introduce any measure which might have the effect of remedying them. But his hon. and learned Friend had been led too far by his own strong feelings. In the Bill which he had introduced, the House would at once perceive that the principal object was to abolish all fees, in all cases whatsoever, whether of acquittal or conviction; and, whether on trial or indictment, or upon more summary proceedings. By the 55th George III., the fees on acquittal, taken from prisoners, tried either for felony or misdemeanor, were entirely abolished. That Act did not certainly go to the extent for which his hon. and learned Friend properly contended, because it only applied to the case when the parties were in prison, and charged with felonies or misdemeanors, and afterwards acquitted. It was a great evil, that parties out on bail, charged with misdemeanor, and afterwards acquitted, should be made to pay fees on that acquittal. He thought that no parties should be called upon to pay fees, before they were admitted to plead. Nor should any party be compelled to traverse, for the purpose of giving fees to the officer; but he was not disposed to say, if a person was disposed to traverse, that all fees on traverses should be abolished. He agreed, that with regard to acquittals, no fee should be taken from a party, whether he were discharged out of prison, or out on bail, and tried for misdemeanor and acquitted. He concurred with the principle so far, as that it was improper to demand fees before parties were permitted to plead; that was a grievance, and that he would remedy; and to that extent he went

with his hon. and learned Friend. His hon. Friend had said, there were cases in which the fees on conviction were more than the fines imposed by way of punishment. That, he admitted, was also a grievance which should not be continued. Provide a remedy for these cases; but as the Bill now stood, extensive and general as it was, he must oppose it.

Mr. *Aglionby* approved of the principle of the Bill, and was glad the subject had fallen into such hands. The object was to remove a grievance which pressed severely on many of Her Majesty's subjects; and, if the Bill went too far, and repealed Acts of Parliament, some of which the Attorney General admitted should not remain on the Statute Book, he thought they had a right to expect from the hon. and learned Attorney General a statement of what particular Acts of Parliament he was willing to extend the operation of the Bill to. He would suggest that the Bill should be allowed to be read a second time; and, that in the mean time the Attorney General should consider to what Acts of Parliament the Bill should extend.

Sir *J. Graham* had understood, that the object of the hon. Member was merely to abolish fees charged upon the acquittal of parties, of fees exacted from persons admitted to bail, and from persons forced to plead. To that extent, as he had stated last year, he was prepared to go with his hon. Friend; but this Bill went further, and proposed to repeal some Acts of Parliament under which fees were imposed under other circumstances, to its full extent, therefore he could not concur in it. Being prepared to support the object of his hon. Friend so far as he had said, he should vote for the second reading of the Bill, upon the understanding that it would be modified in Committee.

House divided:—Ayes 40; Noes 6: Majority 34.

List of the AYES.

Aglionby, H. A.	Fremantle, rt. hn. Sir T.
Bentinck, Lord G.	Gaskell, J. Milnes
Blake, M. J.	Goulburn, rt. hon. H.
Borthwick, P.	Graham, rt. hn. Sir J.
Bouverie, hon. E. P.	Greene, T.
Brotherton, J.	Harcourt, G. G.
Cardwell, E.	Hope, A.
Dickenson, F. H.	Jermyn, Earl
Duncan, G.	Jones, Capt.
Ferguson, Sir R. A.	McNeill, D.
Forster, M.	Martin, C. W.
Mitchell, T. A.	Thesiger, Sir F.
Muntz, G. F.	Thornhill, G.
Nicholl, rt. hon. J.	Tollemache, hn. F. J.
O'Connell, M. J.	Wakley, T.
Pringle, A.	Warburton, H.
Pusey, P.	Wawn, J. T.
Rashleigh, W.	Young, J.
Scott, hon. F.	
Smith, rt. hn. T. B. C.	TELLERS.
Somerville, Sir W. M.	Escott, B.
Spooner, R.	Mackenzie, W. F.

List of the AYES.

Berkeley, hon. C.	Trollope, Sir J.
Bruges, W. H. L.	
Darby, G.	TELLERS.
Ingestre, Visct.	Rolleston, Col.
Masterman, J.	Cripps, W.

House adjourned at a quarter to two o'clock.

HOUSE OF COMMONS,
Wednesday, July 23, 1845.

MINUTES.] BILLS. *Public.*—2°. Customs Law Repeal; Customs Management; Customs Duties; Warehousing of Goods; British Vessels; Shipping and Navigation; Trade of British Possessions Abroad; Customs Bounties and Allowances; Isle of Man; Smuggling Prevention; Customs Regulation; Real Property (No. 3); Libel.

Reported.—Smoke Probibition; Compensations; Removal of Paupers.

3°. and passed;—Stamp Duties, etc.; Militia Pay; Unions (Ireland); Testamentary Dispositions, etc.; Drainage of Estates.

Private.—1°. Lutwidge's (or Fletcher's) Estate.

Reported.—Earl of Onslow's Estate.

3°. and passed:—Darby Court (Westminster); Duddeston and Nechells Improvement (No. 2); London and Croydon Railway Enlargement; Manchester and Leeds Railway (No. 2).

PETITIONS PRESENTED. By Mr. Morison, from Provost, Magistrates, and Town Council, of Inverness, complaining of Delay of Edinburgh Mail.—By Mr. Escott, from William Hollis, late a Lieutenant in the 36th Regiment of Madras Native Infantry, for Inquiry into his Case.—By Mr. Bannerman, from Insch, for Diminishing the Number of Public Houses.

The House met at twelve o'clock.

PROHIBITION OF SMOKE.] Mr. *Mackinnon* brought up the Report of the Committee on the Smoke Prohibition Bill.

On the Motion that the Amendments made by the Committee on the Bill, be now read a second time,

Mr. *Ward* objected to the Bill, that it would be found impracticable to carry out many of the clauses. There were some trades and manufactures entirely exempted from its operation, and unless he were permitted to introduce some clauses to exempt the manufacturers and workers in Britannia metal, he should be obliged to move that the Report be taken into consideration that day three months.

Mr. *Mackinnon* could not give his consent to any further alterations in the Bill.

Mr. *Beckett Denison* said, that he had received many letters from Yorkshire, requesting him to oppose that part of the Bill which enacted, that the inspectors created by it, should be paid out of the county rate, and the expense be thus saddled on the agriculturists.

Mr. *Hawes* objected to the Bill, because the hon. Member for Lymington, since the Bill had gone through the first Committee, had introduced so many exceptions, that they were more than the rule, and by that means it exempted the stronger and oppressed the weak, and upon that principle he would oppose the Bill.

Mr. *C. P. Villiers* complained, that the hon. Member for Lambeth, after sitting on the Committee, and hearing the evidence on the part of the ironfounders and ironmasters, stayed away when the Report was drawn up, in order that he might oppose the Report when brought under the consideration of the House.

Sir *W. Clay* contended, that the sugar refiners ought to be exempted from the operation of the Bill. If the Bill had remained general, he would have supported it with pleasure; but as exceptions had been made, he thought the sugar refiners had a right to be exempted also.

Mr. *Muntz* said, that it was a mere question of expense. If the sugar refiners were exempted, he should feel compelled to move, that he himself, and all other parties following the same trade, should likewise be exempted. He contended that there should be no exceptions at all.

Mr. *W. Williams* supported the Bill. The object of the hon. Member for Lymington, in introducing this Bill, was to protect the industrious population of this country from a very great nuisance.

Mr. *B. Escott* thought the hon. Member for Lymington was not treated fairly by the opponents of the Bill, because he had excepted some interests from the Bill.

Mr. *Wakley* recommended that the hon. Member for Lymington should give up his Bill altogether; and as the question affected the lives of the whole community, he should throw the responsibility of bringing in a Bill of the like nature upon the Government.

Mr. *Duncan* agreed with what had fallen from his hon. Friend the Member for Finsbury (Mr. Wakley), that this was a question of far too great magnitude to be in the hands of any one Member of that House, however able or however willing to bring foward a measure of this nature —and no one was more ready to offer his tribute of thanks to the hon. Member for the trouble he had taken in maturing this Bill; but he begged to ask the hon. Member if he intended this Bill to extend to Scotland? If he did, it would be found to be altogether inapplicable to that country; for the very first clause authorized the inspectors to be paid out of borough rates, settled as the justices in special sessions, shall from time to time think fit. Now, in Scotland, no special sessions exist. To Clause 3, and many others, objection would be made, if the hon. Gentleman was determined to go on with the Bill. But he would strongly urge on the hon. Member to allow the whole subject to be taken up by Government, and by this means a measure might be got with which parties might be satisfied; whereas the present Bill would not, and could not, satisfy the country. The district which he (Mr. Duncan) represented, was one where a great number of flax mills would come under this Bill. At present a great desire existed among his constituents to carry out the objects of this Bill; but no fixed mode of doing so had yet been pointed out, although his Friends in Dundee had expended large sums in making experiments on the subject; and at this moment the Commissioners of Police had nominated a Committee for this very purpose. Under all the circumstances of the case, he earnestly hoped Government would step in and take the matter into their hands, as they alone were able and ought to grapple with a national question of this vast importance.

Mr. *Mackinnon* replied. He hoped that the House would permit the Bill to be tried as an experiment as it now stood; and if it succeeded with all the exceptions, it might be made to extend generally to all manufactures.

Amendment withdrawn.

Amendments of the Committee agreed to.

Sir *C. Lemon*, in the absence of Mr. Godson, moved the addition of the following clause:—

"Provided always, and be it further Enact-

ed, That nothing in this Act contained shall extend, or be construed to extend, to any steam or fire engines used or employed in or about any mines, collieries, iron works, copper works, or spelter works, or for the purposes of winning and working, making, burning, calcining, or manufacturing of iron, copper, spelter, and iron-stone, respectively, anything herein contained to the contrary notwithstanding."

Clause read a first time.

On the Question that it be read a second time,

Mr. *Hawes* said, he should feel it his duty to divide the House on every exemption mentioned in the Bill.

The House divided:—Ayes 20; Noes 43: Majority 23.

Lord *John Russell* thought the exceptions made by the hon. Member for Lymington were so unjust, that he could not support the Bill. He would recommend that further inquiries should be made, by Commission or otherwise, into the necessity existing for any exceptions at all. They had as yet arrived at no sstisfactory conclusion; but by next Session, the hon. Gentleman the Member for Lymington would have the satisfaction of knowing that he had been a great benefactor to the country.

Sir *James Graham* was most anxious to adopt the suggestions of the noble Lord, and, on the part of the Government would undertake that during the recess scientific inquiries should take place into the safety of extending the Bill to stationary steam engines; and on the House meeting next Session, the result should be made known, and, whether favourable to the exceptions or not, the reasons for that opinion should also be made known. His noble Friend the First Commissioner of Woods and Forests intended shortly to lay before the House a large and comprehensive measure on the health of towns, into which Bill the measures considered to be necessary from the report of the scientific inquiry, could be incorporated, or, into a separate and, he hoped, much more satisfactory measure.

Mr. *Mackinnon* hoped that a pledge would be given by the Government to introduce the measure early next Session.

Further consideration of the Report put off for three months.

LUNATICS.] The further proceedings on the third reading of this Bill were resumed. Amendments made, and Bill passed.

PRIVILEGE.] Mr. *F. French* said, he should not detain the House more than two or three minutes, whilst he addressed to it a few observations which he felt it necessary to make. He had seen in the public papers a report to the effect that a breach of the privileges of that House had been committed in regard of a speech being published in the *Times* newspaper of yesterday morning which had been attributed to him, and which had been declared to have been incorrectly attributed to him; in point of fact, that he never made such a speech at all. Now, he dared say that there were many Members then present who could bear him out in stating that every single word in the report of the speech alluded to had been uttered by him in that House. He stood beside the noble Lord the Member for London on that occasion, and on the Ministerial bench were the Prime Minister and the right hon. Gentleman the Secretary of State for the Home Department; and he believed that those Gentlemen, as well as every one who had been within hearing when he addressed the House, could vouch for the fact that the report was literally and wholly correct. He came into the House on the occasion to which he referred without any idea of speaking; but an opportunity appearing likely to occur of addressing himself to a particular subject, he made a short note, which he had still in his possession, and which he compared with his speech as reported in the paper alluded to, and that note bore out the full and literal accuracy of the report to the very letter. Now, a reply had come to that speech from a powerful quarter, and he admitted it was perfectly true that long practice had given to the individual who made that reply a power of wielding his weapons with greater dexterity than he could command; but, nevertheless, he had yet to learn that, if the occasion required it, he could not strike as hard a blow as that individual. He had neither courted that individual nor did he fear him; but, at the same time, it was not his intention to carry on with him a war of abusive words, which was neither consonant with his own feelings, nor consistent with his position in that House. As an allusion had been made in a report in the public papers to a company with which he was connected, he trusted the House would give him its attention for a few minutes, whilst he

stated the facts relating to his connexion with that company. The House was probably aware that he had for many years taken an interest in the construction of railways in Ireland, and that he had opposed a plan which was suggested by his noble Friend Lord Morpeth, when Secretary for Ireland, for the construction of railways principally in the south of Ireland; the view which he then took, and which he took still, being that a line to the west of Ireland would tend more to the interest of the United Kingdom, and to the development of the resources of Ireland. In 1841, shortly after the accession of the right hon. Baronet (Sir R. Peel) to power, he brought the subject at some length under the consideration of the House. He wrote four or five small pamphlets on the subject, and from all the circumstances which he had stated, he thought he was entitled to say that he had given a good deal of consideration to the subject. The railway with which he was connected was the Irish Great Western Railway. It was not got up by solicitors or engineers, as those things generally were, it having originated principally with a noble Friend of his, now no more, the Marquess of Downshire, and himself. The undertaking was not in any shape connected with stockbrokers or stockjobbers, and consequently it experienced the greatest possible hostility, not only from a rival company, but from stockjobbers also, and there was nothing that could be possibly done, fair or unfair, which was not practised in opposition to it; but, notwithstanding that opposition, applications for shares were made to the amount of three millions sterling. He would now state shortly how the shares were allotted. He was opposed to any shares being given to persons in Ireland, from his experience of the Drogheda Railway, where parties after taking shares, and when they were at a large premium, refused afterwards to pay up; and he desired, therefore, as much as possible to place the shares in the hands of capitalists here, and all the applications were accordingly transmitted to the Board of Directors here. It was stated that a good deal of negligence had been shown by persons in the management of the company; but he could show that no such negligence had been exhibited. They appointed the Messrs. Pillans and Co., brokers in Edinburgh; and he believed the Scotch Members present would admit that no more respectable parties could have been appointed: in Liverpool, they appointed Mr. Barber; in Dublin, they appointed Mr. Latouche; and in London, Mr. Heseltine; and in those towns which he had named, no shares were given to any individual who applied for them without being approved by the broker in each town. The list was left in London for a long time with Mr. Heseltine, and inquiries were made into the respectability of parties applying for shares. Mr. Heseltine was the broker in London, Mr. Harris was the solicitor; a parliamentary agent of eminence was appointed, a provisional committee was also appointed, after which they went over the list of allotted shares, and the result of their scrutiny was, that applications amounting to two millions sterling were rejected as bad. At that time, advertisements were sent round to the newspapers in England, to state that the company was about to be dissolved, and in consequence of those advertisements a great number of shareholders refused to pay up. The Company, in consequence of this, put advertisements in the papers, stating that all those shares which were not paid up should be forfeited; but notwithstanding that, many refused to pay up, and great numbers of the shares remained unpaid: he would call particular attention to that fact, as it had been skilfully imputed that there had been a good deal of jobbing in that respect. The money required by the Standing Orders was not to be had; the shares were at a discount of 7*s.* 6*d.*; no Report had been made by the Board of Trade; and at this time several directors, amongst them an officer of great distinction and wealth, came forward and said that they would take the shares which had been returned as forfeited—that they would pay up the deposits, and enable the Company to go on. An allotment of shares was then made by the Company, and not a single share was reserved for any director, or the relative or friend of any director. He (Mr. French) held forty shares. He never held more in that or any other railway. He held them all at that moment, and up to that time he had never parted with one of them; and, under those circumstances, an imputation was made against him that he was desirous for the success of that railway for the advancement of his own personal interest. Now, under any circumstances, all that he could lose by those shares was 30*l.*,

and that could scarcely tempt him to take the course which had been imputed to him. There were a number of other things which he might state to the House in connexion with the history of the Company, but he would not trespass on the time of the House; and he would, therefore, go at once to the reference which had been made to the speech which had been attributed to him, and the accuracy of which he fully admitted. An answer had been attempted to be given to that speech, and in the answer to which he referred, he was represented as having canvassed the support of an eminent individual in another place. It was true that he did see that individual for a few minutes, and that he asked that any opposition might be withheld until his (Mr. French's) noble Friend, who was then absent, should be in his place to answer any objection which might be urged. It was said, indeed, that he used very flattering terms to that individual; but he (Mr. French) never knew that he possessed such powers of flattering as to be able in two minutes to change the opinions of one of the most eminent men of the day. He had made four statements, one of which was, that private interviews had been held with an agent, and that letters had been written; but that had been since explained by the statement that the agent had not been allowed to open the subject, and that the letters had not been read; and it was stated that instead of the individual to whom he alluded having said that he would bring down the shares to a discount, that that would be the result of the evidence. The evidence, however, had not been published, and he had no opportunity of seeing it. With respect to the charge of browbeating witnesses, as that was a Secret Committee, he had to take his impression from what the wit nesses told him. It was not to Mr. Parkes's evidence that he particularly alluded, although it went to show that in the case of forty other railways the rule of reference had not been required. He, in speaking of the witnesses, particularly alluded to Mr. Mitchell, and the evidence of the secretary; and having stated these facts, he did not now deem it necessary to pursue the matter further. The other part of the answer applied to a portion of his obsevations which was caused by the application, as he had been given to understand, of a peculiarly offensive expression relative to himself—in consequence of which he felt peculiarly hurt, greatly irritated, and, consequently, he spoke of that expression with strong excitement. The individual to whom it was attributed had since said that he had not used the expression; that it was written by a Quaker, who was a stockbroker in Dublin, and handed to him, and in that way it appeared in the form of a question. As the individual to whom he had alluded had stated that the question was not invented by him, he would not, therefore, say anything more in reference to it. He was prepared to state that, having used strong personal expressions, which he applied to an individual under mistaken feelings, but finding that he did not use the expression which he (Mr. French) was under the impression when he spoke had been used against him, he had no hesitation in saying that he at once withdrew all the expressions which he had used with regard to that individual; and he would further say, as every man of proper feeling would say, that he regretted having used an expression which was painful to that individual, or to any other person.

Mr. *Clive*, who was nearly inaudible, stated (as we understood) that the question of reference had not been entered into before the Committee of that House to which the Bill had been referred.

The *Chancellor of the Exchequer* trusted that the statement which had been just made by the hon. Member would have the effect of allaying any irritation which the expressions the hon. Member had been described as having used on a former occasion appeared to him calculated to create. He (the Chancellor of the Exchequer) should be the last person in that House to prolong a discussion of that nature; but perhaps he might take the liberty of suggesting a more cautious observance of the rule of that House, not to comment on acts of individuals of the other House of Parliament, either in their legislative or their judicial capacity. The only mode in which they could secure themselves from attack was by a due observance of what was due to others; and if they wished to preserve their own privileges, they ought to be careful to set the example of not violating the privileges of the other House of Parliament. The best way to act was, to abstain from acting or speaking upon what rumour stated occurred in another place. He thought it his duty to

make those few observations in consequence of what had occurred.

Mr. *B. Escott* said, that he was in his place when the hon. Gentleman (Mr. French) addressed the House, and he did not hear one single word of what he said.

Subject at an end.

COUNTY RATES.] House in Committee on the County Rates Bill.

On Clause 11,

"If overseers neglect to make return, or wilfully make a false return or statement of the full and fair annual value of the property within the parish, expenses of Committee to be paid by the parish,"—

Mr. *Darby* moved—

"To insert the words, 'at which the property is rated to the Poor,' instead of the words, 'the full and fair annual value of the property.'"

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 43; Noes 11: Majority 32.

Mr. *Hawes* wished to inquire of the noble Lord opposite (Lord G. Somerset), who was the only Member of the Government then present, if this Bill was sanctioned by the Government, and if the Government intended that it should pass? It was a Bill which, in his opinion, preserved all the evils of the old County Rates Act, which had led to all the inequalities of assessment which had hitherto been the opprobrium of the system. He was anxious to know if the Bill, as it stood at present, had received the sanction of the Government?

Mr. *Grainger*, before the noble Lord answered the question of the hon. Gentleman, wished to express his surprise that in a Bill of this nature, so important an element as the returns of the Income and Property Tax should have been thrown out of consideration.

Lord *G. Somerset* had read the clauses of the Bill, and, without going generally into its provisions at that moment, was ready to say that he thought it should receive the approbation of the House.

Clauses of the Bill agreed to.

House resumed. Bill to be reported.

COMPENSATION--DEATH BY ACCIDENTS.] The House in Committee on the Death by Accidents Compensation Bill.

On Clause 1,

Mr. *Bernal* said, he approved of the Bill as far as it went, and thought that it should be coupled and go together with the Deodands Bill, which had just come down from the Lords. He expressed his astonishment that none of the law officers of the Crown were present when a Bill of such importance was before the House. He himself did not think the clauses of the Bill sufficiently comprehensive to embrace all the cases of accident which might occur, arising from misfeasance.

The *Chancellor of the Exchequer* would not give his opinion upon the various provisions of the Bill, in the absence of his hon. and learned Friends. Their absence had been occasioned by an impression that the adjourned debate on New Zealand would have taken the precedence of other business.

Mr. *Bouverie* said, this Bill had been carefully considered in the other House, and had received the sanction of Lords Brougham, Cottenham, Campbell, and Denman.

Clause agreed to, as were the remaining clauses of the Bill.

House resumed. Report to be received.

SLAVE TRADE (BRAZIL).] Sir *R. Peel* said, it would be remembered that when he moved the second reading of the Brazilian Slave Trade Bill, he was requested by an hon. Gentleman opposite to postpone the Committee until he had ascertained whether the correspondence which had passed between the Government of Brazil and this country, in reference to the subject of the Slave Trade, could be laid before the House; and that he had on that occasion promised that he would look into that correspondence, and if he found that he could, consistently with his public duty, produce it, he would. He had since examined the correspondence in question; and as he saw nothing in it which should prevent its production, he would now lay it on the Table, and he had no doubt that it would be in the hands of hon. Members to-morrow (this day).

Papers laid on the Table, and ordered to be printed.

NEW ZEALAND — ADJOURNED DEBATE.] The Order of the Day for going into Committee of Supply having been read, the Adjourned Debate upon the Amendment moved by Mr. C. Buller, on Monday, on the subject of New Zealand, was resumed.

Captain *Rous* commenced by observing, that although he could not concur with the hon. and learned Gentleman in that

which appeared now to be his principal ground of complaint—the absence of representative government in New Zealand, he was glad to find, from what fell from him the other night, that he had altered his sentiments as to the character of the New Zealand natives, whom in the previous discussion he had described as the greatest liars and cowards in existence. The right hon. Member for Taunton had denied that this was a mere dispute between the New Zealand Company and the Government; but he (Captain Rous) had at that moment in his hand a letter, which had emanated from the secret committee of the Company, and copies of which had been circulated amongst Members of that House, in which it was distinctly declared that the dispute was between the New Zealand Company and the Government; and he might here be excused for saying, that he believed it was quite an unusual thing to send such letters to Members under similar circumstances. He was anxious to know in what character the New Zealand Company came before them—whether as suppliants requiring assistance, or as patriots denouncing the measures and impugning the conduct of the Government? Was it the object of the Company to purchase a territory equal in extent to Great Britain; or did they come forward to obtain a loan of money wherewith to pay their debts? It was quite clear that the one position was incompatible with the other. In the first place, he thought it was necessary that the New Zealand Company, in calling upon them to take cognizance of charges against the Government, should show that they themselves come forward with clean hands. Now, he charged the Company with having sold 120,000*l.* worth of land in New Zealand, while really and *bonâ fide* they had not a single acre of land belonging to them in the Colony; and he charged them, besides, with having inveigled persons to go out to New Zealand, and not keeping faith with them when they got there. There was another question which he had before put to hon. Gentlemen opposite, but which, as it had not yet been answered, he would repeat. It appeared that there were 16,000 shares, or 40,000*l.* in money, which had never been properly accounted for by the New Zealand Company. What he wanted to know was, what equivalent they received for these shares — into whose pockets the money went, and what was the reason of the outlay? The only answer he had been as yet able to obtain to the question was from the hon. Member for Cockermouth (Mr. Aglionby), who told him that if he would go to the New Zealand House he would undertake to show him the accounts. This was not a plain answer to a plain question, and he hoped that those hon. Gentlemen who were connected with the Company would not, by continuing to withhold a full explanation upon this point, afford the House and the public further grounds for suspecting that something wrong had taken place. Again, when the New Zealand Company came there and declared their intention to propose a loan, he wanted to know, while the capital was 300,000*l.*, of which 160,000*l.* only had been received, leaving this 40,000*l.* unaccounted for—he wanted to know was it a business-like way of proceeding to borrow money from the Government, there being 100,000*l.* of the capital not yet paid up? Under the circumstances, it appeared to him that the Company had forfeited their charter, or at least that it was in abeyance. Then he contended that it was altogether impossible that the Governor of the Colony, whoever he might be, could perform his duty satisfactorily to the Queen and the public, so long as there existed in New Zealand an *imperium in imperio*. With respect to the sovereignty of the country, many of the native chiefs would rather die than resign it to Her Majesty, and he could tell the House that the natives would not pay 2*d.* an acre for either cultivated or uncultivated land; that they would not pay customs duties; and that if the Crown of England would not purchase their lands, they would sell them to whom they pleased. A petition had been presented to the House by the hon. and learned Member for Liskeard (Mr. C. Buller), from a gentleman in New Zealand, praying that a system of local representative government might be established in the Colony, to become members of which all the permanent inhabitants should be eligible! But what was meant by "permanent inhabitants?" Did they intend to permit the natives to become members of the proposed legislature? If so, how were things to be managed—were the debates to be carried on in English or in the native tongue? The riches of the natives consisted, too, in a great measure, in the possession of slaves; and he wished to know whether hon. Gentlemen were prepared to recognise that system of slavery? He considered the proposal to establish representative government in New Zealand to be one

of the most absurd and ridiculous project that could be conceived. But the day of deliberation, with regard to New Zealand had now passed, and the period for action had arrived. They were about to send to that Colony a young Governor, who, whatever might be his other merits, could not have the advantage of much experience. Now, supposing the affairs of New Zealand should assume a still more serious aspect, and that it became necessary to send out two regiments, with a brigadier-general to command them, would they put him under the orders of this young officer, who had only served as a subaltern? He would put it to hon. Members in either branch of Her Majesty's service, whether any system could work well in which a subaltern was allowed to give orders to an old general officer? If the state of affairs in New Zealand became worse, it would be necessary to act upon the recommendations of the Select Committee of that House; it would be necessary to employ native troops, to keep up a large naval and military force in the Colony, and to sow jealousy and ill-will among the natives. Since the period of the battle of Wairau, it must have been evident to every man of common sense, that a day of retribution must come, and that torrents of blood must be shed to wash out the disgrace inflicted on the British name, by the defeat of a body of Englishmen by an equal number of natives; and the recent occurrence at Russell had tended to aggravate the feeling of hatred and resentment between the colonists and the natives. He must be allowed to say that no blame attached to his gallant Friend, Captain Fitzroy, for his conduct at the time of that fatal conflict. It was his duty, as Governor of the Colony, to remain at head quarters; and, under the circumstances, it was impossible for him to leave Auckland. The bad feeling which existed between the missionaries and the British settlers had been alluded to by several hon. Members during the debates on this subject; and, though he would not say one word in disparagement of the Bishop of New Zealand, for whom he entertained the highest respect, he must say that some of the missionaries had done much to promote ill-feeling between the colonists and the natives. Some of those missionaries had spoken to the natives of the English settlers, in the Maori language, as "devils." The colonists had not been backward in their turn in explaining to the natives that these missionaries were a set of lazy, ignorant men, who, not being capable of gaining an honest livelihood at home, had been sent out to the Colony. Some of the missionaries had bought large tracts of land, and their object had been to get rid of other Europeans, in order to retain in their own hands the virtual sovereignty of the country. The House ought now to endeavour to learn wisdom from experience, and he would presume to advise the Government as to the course he thought it would be prudent in them to pursue. He would advise them to send out to New Zealand a brigadier-general, with 1,000 soldiers, in two of the ships of the line now cruising in the Channel. He would deprive the New Zealand Company of their charter, paying them what might be considered a just equivalent. He would guarantee to the British settlers the right and title to their lands, awarding them also a pecuniary compensation; and he would dispense with the protectors of natives, and have more protectors of Englishmen. If this were done, they might depend upon it, that a great improvement would speedily be apparent in the condition and prospects of the Colony.

Mr. *Ward* said, that as he had not taken any part in the previous debates, he might, as Chairman of the Committee appointed in 1836, on the subject of Colonial Lands, which had given rise to most of the subsequent projects of colonization, on the self-supporting system, be permitted to state his views on this question. He must here say, that he was not in any way connected with the New Zealand Company, nor had he been since the first establishment of that Company. The hon. and gallant Officer who just sat down had made three charges against the New Zealand Company. He accused them of selling land which they did not possess, of inveigling agricultural labourers by false representations to go out to the Colony, and of giving no explanation of an item of 40,000*l.* in their accounts. With reference to the last charge, he (Mr. Ward) was informed, that it appeared by the published accounts of the Company, that this sum of 40,000*l.* was paid to a pre-existing company for land actually acquired in New Zealand, and which had since been transferred to the Government. Then as to the charge of selling land which they did not possess; if the theory of the hon. and gallant Officer was correct, that New Zealand at the time to which he referred was a perfectly independent state, over which the Government of this country

had no control, the Company had a most undoubted right to sell any land they might have acquired. But they had sent out the means of giving for any land they might purchase, ten times, nay, a thousand times, the price which had been given by previous purchasers; and they had, therefore, a certainty of acquiring a sufficient quantity of land to meet the sales they might make. The hon. and gallant Member also complained that the Company had inveigled labourers to New Zealand without securing to them in the Colony the comforts and advantages of civilized life which they had enjoyed in this country. Why, those labourers went to New Zealand to escape the evils of civilized life—to avoid the pressure which prevented them from obtaining here the full reward of their exertions—to better their condition; and, until the unhappy blight occasioned by subsequent misunderstandings between the Company and the Colonial Office, they were in most happy and prosperous circumstances. He fully concurred in many of the remarks of the hon. and gallant Member for Westminster. He agreed with him that our conduct with regard to New Zealand had been marked by most unfortunate vacillation. We ought never to have acknowledged the independence of those islands. It was said that this was done in order to prevent their colonization by other nations; but had our recognition of the independence of Tahiti prevented the occupation of that island by the French? The Treaty of Waitangi had been strongly condemned, and the conduct of Captain Hobson in concluding such a Treaty had been severely censured; but it must be remembered that that gallant Officer had no choice, for when he agreed to that Treaty he had but a small force at command, and he possessed no moral or political power. He was convinced that they never could solve the difficulties of the Colony without taking that Treaty as the basis of an absolute sovereignty on the part of England. The hon. and gallant Member had said that it was impossible at present to entertain the question as to the establishment of a system of representative government in New Zealand; and in that opinion he concurred. He had heard the other night, with some pain, the observations of the hon. and learned Member for Liskeard on this subject. He was not so much dissatisfied as the hon. and learned Gentleman with the statements in Lord Stanley's letter; and he must say that he did not perceive any discrepancy between those statements and the promises held out by the right hon. Baronet at the head of the Government. He believed that a system of municipal government, with powers of local taxation, suited to the wants and condition of the Colony, was all that could at present be usefully established in New Zealand; and he would be satisfied to see the principles laid down by the two right hon. Baronets opposite (Sir R. Peel and Sir J. Graham), in a former debate, fairly carried out at the earliest possible opportunity. He must confess that, if he had had the conduct of the case of the New Zealand Company on the last occasion when this question was discussed, he should not have felt it necessary to divide the House; for he would have taken the immense admissions made by the right hon. Baronet the First Lord of the Treasury, and the right hon. Home Secretary, as to a certain extent satisfactory; not giving him all that he wanted, but showing that they felt the serious responsibility which rested upon them, and that they were disposed fairly to entertain the question, and to deal with it on large principles. He knew that many Members of that House regarded this as a great case against the Government; but he could not consider it in that light. He looked upon it not as a party but a national question. There was in New Zealand a numerous race of aborigines, whom we were forcing into a collision with us; and we had in that Colony 10,000 English settlers, men and women. He called upon hon. Gentlemen to remember that they were blighting the prospects of this community by the unworthy squabbles which had for some time been carried on. [*Ironical cries of* "Hear, hear," *from the Opposition.*] He did not like that cheer. When he used the term unworthy squabbles, he meant that, as practical men, and men of sense, they were bound to ask what was the cause of these disputes. Take it where they would—take New Zealand from north to south—take the disturbances at the Bay of Islands or in the valley of the Hutt—go to Auckland, or to Wellington—ask what had given rise to all these disputes, and they would find that the want of some broad intelligible principle in dealing with the land question was at the root of all the evil. The right hon. Baronet at the head of the Home Department had fully acknowledged that this was the fact in his last speech. The settlers in New Zealand had only a doubtful title to their land. Now, in this country, in the

midst of civilization, a doubtful title was the worst curse which could fall upon a property; but how much were all its evils aggravated when they affected a country divided between a small white population and a nation of brave, but unenlightened barbarians. The patience of angels would not stand the state of matters in the distracted Colony in question, much less that of New Zealand and the native savages. He was sure that the right hon. Baronet at the head of the Government, so long as he tolerated the continuance of such a system, must feel that he was in some sort responsible for its consequences. He contended that the first duty of a Government, taking a wide and comprehensive view of all the circumstances of the case—he was sure that their first duty, as their first wish ought to be, was to put an end to the present system, and they could only do so by laying down some broad intelligible principle to guide them in dealing with the land question. The noble Lord the Member for London was the only statesman who, in his opinion, had taken a large and enlightened view of the subject. He had never seen a more gratifying scene than the reconciliation of the noble Lord with the New Zealand Company, after the first misunderstanding had been got over. But the impression which had arisen from those original differences between the Colonial Office and the Company had never been effaced in the Colony. It had been taken up by the officials there one after the other, and from the highest to the lowest—from the Governor to the polic magistrate. As the hon. and gallant Member had said, the missionaries began the work of misrepresentation by stigmatizing as a devil every Christian who had not learned his Christianity in their particular school. Mr. Shortland's first mission to Wellington, upon the arrival of the colonists sent out by the Company, was to assert, in a rude and violent manner, what he conceived to be the authority of the Crown, apparently under the belief that they were going to dispute it. Why, a more distinguished or a more loyal body never left England. Then look to the results of this system; look to the conduct of the protectors of the natives. Nothing, in fact, could be more unfortunate than the choice of all who had hitherto wielded power in New Zealand. It was distressing to think that the government of the Colony should have fallen into such hands as those of Captain Hobson and Captain Fitzroy. And what had they heard urged on the part of Government as to the present condition of the Colony? Why, they were told the other night that alarm was subsiding—that reinforcements had been sent out—and that the condition of the Colony at the date of the last accounts was not worse than it had been some time before. Why, he asked the hon. Under Secretary for the Colonies, what could be worse than that former condition? Why should the people in New Zealand be left struggling for land? There was enough and to spare for a population an hundred times more dense? But what had we done? We had attempted to settle matters by means of the subtilties of English law—we had tried to initiate the savages of New Zealand into English law, by teaching them its chicaneries and tricks—we had employed and developed all the worst points of English law in New Zealand, without any of its redeeming principles. Of what avail was it to attempt to extend to savages the legal rights of civilized Englishmen? All that was wanted was, simple common sense decisions in disputed matters. Had they sold their land? To whom had they sold it? What had they got for it? How much did they expect to have got for it? Such were the questions which ought to have been put and answered, and settled. One Commissioner acting on such principles might have settled the whole of the claims in dispute in six weeks. All they might do would be useless, did they not send to the Colonies some one familiar with such a mode of dealing with such questions—did they not send him out entrusted with the most unlimited confidence, or with the clearest instructions. All would be useless, were not the Cabinet disposed to throw over the unbecoming disputes between the Company and the Colonial Office—disputes unworthy of Lord Stanley, for it was not the duty of an English Colonial Secretary to strive for victory in a contest of correspondence with an English commercial Company; but to labour to carry out those sentiments and those views which the right hon. Baronet at the head of the Government had the other day enunciated, and which, in despite of the letter he had lately addressed to the noble Lord the Member for Staffordshire (Viscount Ingestre), he trusted that he had not modified. [Sir *R. Peel:* Not in the least.] If we had a distinct assurance that the matter would be practically taken up during the next six months, that

the Government would really devote itself to the question, then his exhortation would be, to leave the matter in the hands of the Government; but he could not say that such advice should be given when the right hon. Baronet, in his letter to the noble Lord the Member for Staffordshire, stated that his views upon the subject perfectly coincided with those of his noble Colleagues at the head of the Colonial Department. He had certainly thought there was a difference between them; but he could understand, considering how inconvenient and disagreeable it was for one Cabinet Minister to trench upon the province of another, how such difficulties might be and were got over. [Mr. *Sheil* whispered to the hon. Member.] Yes; nothing could be more apt with respect to the relations between the right hon. Baronet and the noble Lord, than the quotation suggested by his right hon. Friend—*Nec tecum vivere possum, nec sine te.* He put it to the right hon. Baronet whether this was not a question entitled to Ministerial attention? The Cabinet consisted of English Ministers, not the Ministers of a party; and he knew no man who had shown a stronger sense of his consciousness that he was the Minister of the country, and not of a party, than had the right hon. Baronet now at the head of the Government. He now, then, called upon him, as an English Minister, to take pity on the two races who were now cooped up in New Zealand. A great duty was imposed upon him; and he trusted that, in common with the noble Lord the Member for London—in common with that other noble Lord (Lord Howick) whose presence they must in future be deprived of—in common with the majority of the Committee who investigated the matter—the right hon. Baronet could arrive at the conclusion, that the literal and obvious construction of the Treaty of Waitangi was perfectly compatible with the settlement of the claims still in dispute. He implored Government to take up the question in the spirit in which they might deal with it—to give to the settlers who had emigrated to New Zealand that protection which would restore to the English the position they had lost there. They had forfeited the benefit of the impression of moral superiority which they formerly possessed; and as to physical force, the natives were their superiors. If, then, what had occurred were not to occur again—if the best blood of the Colony were not to be again poured forth—if the best men in the Colony were not to be forced to devote themselves for its protection—the Government must take up the question with the determination to deal with it practically, promptly, and as he trusted they would deal with it—in a spirit of liberality and justice.

Mr. *G. Palmer* rose to correct certain errors in the statements of the hon. and gallant Officer near him, relative to the New Zealand Company. It was with the perfect consent—nay, according to the wish of Mr. Huskisson—that the first expedition was sent out from this country. He understood that there was some impediment to Government undertaking the settlement of New Zealand at that time; some agreement, as he was told, existing between France and England, not to extend their Colonial possessions between South America and New Holland. The expedition so often alluded to, however, sailed. Certain lands were purchased; and they were told, that if they wanted protection, a frigate would be sent out to the coast of New Zealand. It was then supposed that Russia was not so friendly a Power as he was willing to believe she was at present. The *Coromandel* was sent out to those islands, and came home loaded with spars. There was a sort of agreement with the Government, that the Navy would take whatever spars or hemp were furnished by the Company. Well, then, he contended, that the Company, having purchased lands under such encouragement, they had as good a title to them as any man in this country to his estate. To give a further proof that the Government sanctioned the proceedings of the Company: the parties to the expedition disagreed; and when a question was raised as to sending out troops, such a proceeding was declared to be dangerous, as the natives would resist if it was supposed the Government would interfere with the possession of lands which they had sold the Company. This showed what the feelings of the natives were before they were taught the quibbles of our courts of law. Allusion had been made in the former debate to the small consideration paid for the land; but the expenses of the expedition should be borne in mind, when estimating the amount of the purchase. If the title of the former Company was good, that of the new Company, to whom it was conveyed, was equally good. He hoped that the declaration made by the right hon. Baronet at the head f the Government on

a former occasion would be carried out in the sense in which it was understood by every Member of that House who heard it. If it were, he was satisfied it would have the effect of pacifying the Colony, and bringing comfort and security to the settlers. He was sure that, in the end, all just complaints would be listened to, and the grounds of them removed by the Government; and that the prosperity of the settlement would be resumed. He apprehended, however, that if the instructions to the Governor were acted on, his rule would not be satisfactory. He asked, what would be the effect of sending down a commissioner to one of our counties, to disturb the title to all land which was strictly proved? It must be borne in mind, that we were dealing with a Colony in which title-deeds were not registered; and in which very often the only proof of the transfer of land was to be found in the breast of him who had parted with it. The settlers went from this country under a promise that they would receive protection from the Home Government. They neither received that protection, nor were they allowed to protect themselves. He lamented very much that any difference should have arisen between the Company and Lord Stanley; but he was sure that ultimately the interests of the Colony would be found to be safe in the hands of the Government.

Sir *C. Napier* said, that a question affecting the safety of a British settlement containing from 10,000 to 11,000 persons, was of very great importance to the country; and the more so, seeing the rapid strides which the Colony of New Zealand had made since it was first founded, in 1839. It was lamentable to see a Colony which in 1841 had 221 ships, and 80,000*l.* worth of produce in its ports, reduced to the state of anarchy which the late accounts exhibited. He considered the noble Lord at the head of the Colonial Office was greatly to blame for not having taken some measures to protect the settlers in New Zealand, after he had acquired such distinct proofs of the hostility of the cannibals by whom they were surrounded. Several murders had been committed by the natives, and several attacks had been made on European settlers and voyagers of late years, by the New Zealanders, till the massacre occurred at Wairau, all of which had been permitted to pass unpunished by the Governments which had been then and since established in those parts. Such a long continued series of neglects on the part of the Government would almost seem to evince that there existed a desire on the part of the noble Lord (Stanley) that the Colony should not succeed. The impunity with which the New Zealanders were permitted to perpetrate the massacre of Wairau, had undoubtedly led to the last attack at the Bay of Islands; and the New Zealand Company had distinctly foreseen that occurrence, when they found that the death of Captain Wakefield, and the other persons killed at Wairau, was suffered to go entirely unpunished by Captain Fitzroy. That the recent attack would not have been the last that had been made upon the settlements in New Zealand, he would take upon himself to say; indeed, he had no doubt that the next accounts would bring intelligence that Auckland had been attacked. He considered that the noble Lord at the head of the Colonial Office had greatly neglected his duty in not despatching a force to New Zealand, after the accounts of the massacre had reached England. He might easily have done so, as the conclusion of the war in China had left one or two ships on that station at his disposal. He ought not to have left a British settlement at the mercy of 130,000 cannibals. He (Sir C. Napier) could not account to himself for the apathy and neglect which had characterized the proceedings of the civil, military, and naval authorities in New Zealand. When the flagstaff was cut down for the first time, why did not the military form some defences round it, so as to prevent a second outrage of that kind from being successful? It almost seemed to him as if there were something in the climate of New Zealand which enervated those who came within its influence, and which had incapacitated the Governor, the military, and above all, the naval officers, from taking prompt, vigorous, and proper measures for the defence of the settlers. The hon. and gallant Officer proceeded to read Governor Fitzroy's last despatch, containing the account of the attack at the Bay of Islands, and asked whether anything had been done to save Auckland from a similar attack? His hon. and gallant Friend opposite (Captain Rous) had expressed an opinion that two line of battle ships ought to be sent out immediately to protect the Colony; but he (Sir C. Napier) would rather recommend that two transatlantic steamers should be at once taken up, and sent out with a battalion on board,

by which means they might yet arrive in time to save Auckland from a further attack. The magistrate at the Bay of Islands had, according to the despatches last received, written to Governor Fitzroy, requesting him to come immediately to that place. But Captain Fitzroy had replied that he would not quit Auckland. Had a civilian, one unaccustomed to war and its consequences, sent back such an answer, he should not have felt much surprise, as fighting was not in such a person's line; but he confessed he did feel astonishment in finding that a naval officer had refused to repair to a place which was menaced by savages, and which was protected only by a few soldiers, commanded by a mere lad, and assisted by some half-trained settlers. The Governor, if he did not choose to go himself, might at least have sent the military officer next in command, who was a lieutenant-colonel, to the assistance of the settlers at the Bay of Islands. The assistance of such an officer would have enabled the British to baffle the savages. What would have been the fate of the British settlers at the Bay of Islands, if there had not been an American frigate there, by which they had been all received on board, and conveyed to a place of safety? Too much praise could not be awarded to the American captain for his courage and kindness in first placing the settlers in safety, and then returning to the protection of the missionaries who remained at the Bay of Islands. His hon. and gallant Friend had said that Captain Fitzroy had acted rightly in not quitting his post at Auckland. That might be his hon. and gallant Friend's opinion; but if he knew his hon. and gallant Friend's disposition—and he believed he did—the very first thing he (Captain Rous) would have done would have been to go with all speed to the place of danger, and save his fellow countrymen from the savages who had attacked them. Then, in another portion of the Correspondence, he found a lieutenant speaking of the *Hazard* being about to be surprised by the natives. Talk of an officer of an 18-gun corvette expecting, when moored in an open roadstead, to be surprised by a parcel of native savages! Why it was most absurd. During the long war between England and France, cutting out a corvette of 18 guns, even by British sailors and British soldiers, was considered one of the most gallant exploits that could be performed. It had not often been done, and never without an enormous loss; and yet this officer expected his corvette to be surprised by a few savages. Having animadverted upon the conduct of some, it now became his pleasing duty to express his high approbation of the conduct of Acting Commander Robertson. Had every one there acted like that gentleman, or had he not fallen wounded as he did, the Bay of Islands still would have been in the possession of the British Government. In conclusion, he would express a hope, that when that officer should recover from his wounds, the Admiralty would be extremely bountiful to him for the gallant services which he had rendered.

Viscount *Ingestre* would not have risen to take a part in this debate had he not been at the head of the deputation which waited upon the right hon. Gentleman at the head of the Government at the close of the last debate. Those in that House who were well-wishers of the Government, and yet who did not approve of the policy hitherto adopted in New Zealand, waited upon the right hon. Baronet, and explained to him the painful position in which they felt themselves. They stated that there had been ample discussion in that House; that there had been, generally speaking, an absence of all party feeling, and that after that debate, they thought it would be advisable that everything which had passed should be sunk in oblivion. They were met in the most frank and cordial spirit by the right hon. Gentleman, who at once put them into communication with the noble Lord the Secretary for the Colonies; and he also met them in the same spirit, evincing an anxious wish to bring matters to an amicable termination. The deputation urged upon the noble Lord five points in behalf of the New Zealand Company. The first was, an immediate grant of its lands to the Company. To that the noble Lord answered that he was anxious to do so as far as he could, but that he could not give what the Government had not the power to give. After some discussion, they would perceive from the Minutes, page 5, that "with regard to the above settlements and also to Teranaka, Manawatu, and Wanganni, Lord Stanley communicated to the deputation the precise instructions which he proposed to send to Governor Grey by the next mail of the 7th of July." As to the charge which had been made against the noble Lord relative to these instructions, he entirely

acquitted the noble Lord of any blame. He attached no importance whatever to that point, as what had occurred was evidently the result of a mistake. The noble Lord proceeded to read from the Papers before referred to the remaining points to which the deputation directed Lord Stanley's attention, viz.—the objections of the Company to the Crown's right of pre-emption of land in New Zealand being waved, and purchases being permitted to be made directly from the natives; the future seat of government; and the future government of the Colony. Upon this last point he personally was disposed to give every credit to the noble Lord the Secretary for the Colonies. His arguments appeared to be perfectly sound and just; and he altogether agreed with the noble Lord, that from the scattered state of the settlers it would be impossible to bring them together in the first instance to act as a representative government; but that the best way was at first to give them a voice in the municipal institutions to be established in the Colony. He did not wish to enter on the general question before the House, as it had been so fully discussed already. The question, however, was a very important one, affecting the interests of the natives, of the settlers from this country, and of the Company. Charges had been made against the New Zealand Company, but he must say that he never knew a set of gentlemen who acted from purer and more disinterested motives. No lucrative results could follow from their embarking in that Company, and he did think it hard that his hon. and gallant Friend the Member for Westminster, and his hon. Friend the Member for the University of Oxford, should impute motives of a sordid nature to them. With respect to the late Governor, Captain Fitzroy, he should state, that he had known him long in the naval service. He had had the honour and pleasure of a long acquaintance with him, and he had hailed with pleasure his appointment to the important post of Governor, because he knew his honourable mind, and thought, from his having been in that country before, that he would have been likely to carry out measures which would be the most beneficial for the Colony. He could not but express his deep sorrow, that the result had been so different—a circumstance which he could attribute only to Governor Fitzroy having imbibed a one-sided view, on which he had acted, without reference to circumstances as they occurred. He regretted most deeply that Captain Fitzroy's career in that Colony had not warranted the anticipations which he and many of his friends had formed of him. With reference to the catastrophe at Wairao, and the more recent one at the Bay of Islands, he was fully convinced, that had a firm and decisive course been adopted towards the natives from the commencement, nothing of the sort would ever have occurred, and they would not have had to deplore the loss of that able and excellent man, the late Captain Wakefield. As regarded the Treaty of Waitangi, he contended that there was a degree of discrepancy and contradiction in the way in which that Treaty had been acted on. On one hand, the Government stated, that the natives had actual possession of the soil; but that statement, they negatived, in a great measure, by a proclamation declaring that no person, native or settler, should sell his land under a certain price. That appeared to him to be most extraordinary; for if a man had any right to his property, he surely might sell it for what price he pleased. In conclusion, he (Lord Ingestre) would state, that he was most anxious for a settlement of this question. He did not treat it as a party question, and he should be delighted if a fair compromise could be adjusted. He did trust that some means might be had recourse to, to rid the question from the mass of difficulties in which it appeared to be involved, and that some satisfactory arrangements might be entered into by which that great and important Colony might be fostered and preserved.

Mr. *Hawes* said, that actuated by the same spirit in which the noble Lord opposite had just spoken—a spirit which had also been adopted by his hon. Friend the Member for Sheffield, in which all angry and party feeling had been dispensed with, he should endeavour to speak with all candour and fairness upon this subject. That was not a time to bandy party feeling; and if the right hon. Baronet had not altered his opinion since he last spoke, and was still willing to legislate in a conciliatory spirit, he (Mr. Hawes) owned that he should like to see that debate close at once with a speech of that description from the right hon. Gentleman, for he was sure that no other

than public grounds could actuate that right hon. Gentleman and his Colleagues in their proceedings; and if they were ready to bury in oblivion the disputes which had hitherto arisen on this subject, so was he with the view of bringing the question to a final and just settlement. He had always adopted the course which he then pursued, for when his hon. Friends were in power he opposed their views, being always of opinion that when the Crown once asserted its authority in New Zealand, the soil of that country ought to have vested in the Crown, which should have had the power to adjust all conflicting claims to the land, by whomsoever made. The hon. Member for Sheffield rather misunderstood what fell from the hon. Member for Liskeard in reference to Lord Stanley's instructions. All that the hon. Member for Liskeard seemed to wish was, that there should be municipal institutions, with ample powers for local self-government, and that out of those institutions there might be chosen a representative body; he did not mean such as there was in this country, but persons who would carry into the legislative council a fair amount of popular feeling. But to effect that you must have precise instructions. All that the New Zealand Company required was, that the Secretary of State should issue precise and definite instructions; and certainly those the noble Lord wrote, in reference to municipal institutions, were anything but precise. He did not rely on the noble Lord; but on the spirit of the speeches of the right hon. Baronets opposite, he (Mr. Hawes) had confidently relied. He believed there was not a member of the New Zealand Company that was not satisfied with those speeches. Immediately after their delivery, Mr. Somes, the late Governor, asked him whether it would be expedient to divide; he said that that was a question that ought to be carefully considered, and on consideration the opinion prevailed that the Company ought not to avoid going to a division, which was accordingly taken. Then came the question, had anything since occurred to justify a revival of the discussion? He did not think the news since received from New Zealand of itself sufficient; but there was another and much stronger cause for this fresh appeal to the House. The Company had had an interview with the Secretary for the Colonies, the minutes of which were on the Table of the House, and would show how many questions were not discussed and settled, but postponed; and they received a letter from the First Lord of the Treasury, addressed to Viscount Ingestre, in which he said—

"I regret that the directors are not satisfied by the result of the interview between Lord Stanley and the deputation: but, as my own sentiments are in concurrence with those expressed by Lord Stanley, and as I have entire confidence in the desire of Lord Stanley to promote the welfare of the Company, so far as he can do it consistently with his own sense of public duty, and with public engagements entered into with the sanction of the Crown, I must decline interfering with the discretion of Lord Stanley."

That was an expressed declaration on the part of the right hon. Baronet that he supported and was prepared to abide by the policy of Lord Stanley, although the speech which he delivered a short time previously was inconsistent with that policy. If the right hon. Baronet's speech was to be understood as being in full concurrence with the policy of the Colonial Office, which the right hon. Baronet arraigned, and which he now arraigned, he could only say, that there never was a speech delivered in that House which practised upon it such a delusion. He could not believe that it had been spoken for the purpose of averting an unfortunate division. The sentiments it expressed, he took to be those then and now sincerely entertained both by the right hon. Baronet himself and the Secretary of State for the Home Department. All he contended for was, that they were not in conformity with the policy which had been pursued by the Colonial Office; and that the fact of their not being so, fully justified the New Zealand Company in again appealing to that House. The right hon. Baronet said that he wished to act in perfect harmony with the New Zealand Company; but no one, looking to what had passed, could imagine that such a desire existed upon the part of the Colonial Office. He would say, rather, that the policy of that Office had been to put down the New Zealand Company; and he was supported in this belief by a reference to the public papers, from which it appeared that Governor Fitzroy had absolutely asserted that he anticipated hearing by the next mail that that Company was in a state of bankruptcy. The Attorney General, who had no great interest in questions of colonization, and who took up the blue book on this occasion just as he would

have taken up a brief, said that they never would have heard of this question if the interests of the New Zealand Company had not been involved. The Government professed itself disposed to encourage colonization, and in favour of the establishment of a proper system to carry it out; but yet it had never done half so much towards that object as the New Zealand Company had achieved. It was objected to the Company that it was a joint-stock company; but was it not that House which obliged it to be so? He, therefore, contended that there could be no greater impolicy than throwing any obstructions in the way of that Company. It was said, that if this Company had no influence amongst Members of that House, that there would be no such discussions raised about our Colonies. Now, he thought it would be much for the benefit of this country and its Colonies, if there were similar companies connected with other Colonies, to bring their interests and government frequently under the consideration of Parliament. If such was the case, the system of our Colonial policy would be better regulated, and very different from what it was. Were not the discussions upon this subject important, if for no other thing than that they had called forth the admission from the Government that it was advisable to extend the principle of municipal and representative institutions to our Colonies? And if such an acknowledgment had been called forth long ago with regard to other Colonies of Great Britain, they would have been better and more cheaply governed than they now were. He believed it had been owing to erroneous information originally conveyed by the Missionary Society, that a feeling of hostility towards the New Zealand Company had been created here, and that this feeling had, in a great degree, influenced the conduct of the Colonial Office. But he trusted a proper sense of duty would henceforward induce that Department to change its policy, and adopt a different course towards a Colony which should now be regarded as a most important one, amongst other reasons, because our Colonial Estimates would soon begin to attract attention, when it was found necessary to hold our Colonies by force of arms. And now the question came to this—what were they to do? In the instructions to which he had before referred, there was nothing precise pointed out as to the course to be pursued in settling the differences between the Company, the Government, the settlers, and the natives. For his own part, he held it that the first and most important step to be taken was to settle at once the clear right of the Crown to the waste lands of New Zealand. He thought the Under Secretary to the Colonies was in some degree liable to the charge of inconsistency with respect to the opinions he now expressed. In the year 1839 or 1840, when, in opposition to the party then in power, and with whom he always had been in the habit of acting in public life, he had felt it to be his duty to move the adoption in that House of the Report of the Select Committee on the affairs of New Zealand; there were great efforts making against the Government of the day, and nothing was deemed too small or unimportant to be omitted in swelling the aggregate of the attack on the Administration then in office. The hon. Gentleman the Under Secretary for the Colonies had, with many others, voted for the reception and adoption of that Report, which advocated the necessity of the Crown becoming the proprietor of the whole of the territory and soil of New Zealand before any proper or good system of colonization could be carried into execution. The hon. Gentleman the Under Secretary for the Colonies had voted for that Report; and in the course of the debate on the present subject he seemed to take up a different view, nor had he made any reference to the letter of Lord Stanley, written in explanation of the agreement formerly entered into between Lord John Russell and the New Zealand Company. There was one thing, however, of great importance in the proper administration of the affairs of the Colony, and that was, that whatever Governor was sent out, he should have full power to act, so as to be enabled to meet any emergencies that might arise—should be explicitly entrusted with functions enabling him to perform his duties efficiently under any circumstances that might occur. If the Government thought that they could satisfactorily administer the affairs of New Zealand by means of a Governor who would be obliged to refer constantly to the Colonial Office at home, they would, he was persuaded, find themselves greatly mistaken. He believed it was in the power of the right hon. Baronet to terminate these angry contests, and to restore to New Zealand that state of prosperity which had attended the first efforts of the Company in that Colony. He was sure that every

person connected with that Company would hail with joy any announcement on the part of the right hon. Baronet that he was determined on bringing that matter to an issue; and the suggestion which he had to make to the right hon. Gentleman was, that he should send out some person invested with ample powers to bring these unhappy disputes to a conclusion. By adopting that course the right hon. Baronet would, he believed, confer great benefits, not only on this country, but on the Colony of New Zealand, and great honour on himself and on his government.

Sir *R. Peel* said: Sir, before I make any observations on the particular Motion which has been brought forward by the hon. Member for Liskeard, I wish, in order that the current of those observations may not be interrupted, and that I may not omit to do justice to those whose names I am about to introduce—I wish in the first place, to make one or two remarks which have a bearing on the character and conduct of individuals. Sir, I must express my deep regret that, in the course of this debate, reflections have been made on the character of the hon. Gentleman who fills the situation of Under Secretary in the Colonial Office. That regret would be increased if it had not been for the honourable and ample testimony to his merits which was borne by a right hon. Gentleman (Mr. Labouchere), perfectly capable of appreciating those merits, from his having served in the same department with Mr. Stephen. Mr. Stephen has the honour of being closely connected by birth with two men who have left names which will long be memorable in the annals of this country. He is the son of a gentleman of great distinction, and he is the nephew of Mr. Wilberforce. It seems, however, as if that illustrious connexion operated, not as an advantage, but as a prejudice against him. Now I have had but little personal communication with Mr. Stephen, but I believe that a situation in a public office was never occupied by a man of higher integrity, of more disinterested views—of greater assiduity—of more profound knowledge—and of more distinguished acquirements than Mr. Stephen. [Mr. *Roebuck*: I said nothing against the acquirements or the character of Mr. Stephen.] The hon. and learned Gentleman said nothing against the private character of Mr. Stephen; but he said that the prejudices of Mr. Stephen might have influenced the proceedings of the Colonial Office. Now, I believe that the allegations respecting the prejudices of Mr. Stephen are totally unfounded. I believe him to be most willing to render every assistance in his power to his superiors in office; but I also believe that he never attempts to influence their conduct. I believe that he is wholly free from any connexion with the missionary party; and if he had any connexion with them, I have that confidence in his integrity and highmindedness which makes me perfectly certain that that circumstance would not influence him in the discharge of his duties. I believe that the people of this country know little of the real merits of Mr. Stephen; but I am persuaded that the time will come when justice will be done to his distinguished services. His labours are now unostentatious; but the time will arrive when this country will know what is the extent of the knowledge which Mr. Stephen possesses, how that knowledge has been made conducive to the public interest, and what have been the integrity and the high principles by which his conduct has been uniformly actuated. I have thought it right, having a personal knowledge of Mr. Stephen, and seeing that prejudices have occasionally risen in the public mind with respect to Mr. Stephen, and that erroneous impressions are entertained with respect to his influence—I have thought it right not to allow this debate to proceed further without doing what I could to remove those unfounded opinions. I know that Mr. Stephen feels most severely the unfounded imputations directed against him. He has expressed his willingness to relinquish his connexion with the Colonial Office; but such is the high sense of his merits entertained, not merely by this Government, but by successive Administrations, that it is our wish, as it has been their wish, that he should on no account relinquish the position which he holds, but that he should continue to give the public the great value of his services. There is another individual who has been alluded to, and to whom I wish to do justice; I mean that gallant officer Mr. Robertson, to whom the gallant Commodore has referred. The scene on which that gallant officer performed his services is a very distant one; and the services themselves may not have cast around them that eminence and distinction which

sometimes attend services not more important; but I think it is for the public interest that, although the scene was a distant one, and although the numbers engaged in the conflict were comparatively small—I think it is for the public interest that we should show in the House of Commons that the distance of the scene and the comparative unimportance of the conflict do not make us oblivious of rare merit. Sir, I must say that his conduct stands forward in honourable contrast with the conduct of others concerned on that occasion; and I rejoice to find a British officer, not thinking whether his ship was to be surprised by a parcel of savages, but leaving that ship and setting on shore that gallant example which so many officers of our navy have before set, and rallying round him, until he was wounded, the flagging spirits of the civilians. And here I wish to make it known in the House of Commons that that conduct shall not pass unrewarded. In justice to him, and as an encouragement to others, that conduct shall receive its reward by the earliest opportunity being taken to give to him that promotion to which he is so eminently entitled. And now, Sir, I come to the particular Motion which is the subject of consideration to-night. The hon. Gentleman admits that it is incumbent on those who bring forward the Motion to assign good and sufficient reasons for its introduction. Sir, I certainly do think, that in the present state of New Zealand, and after the recent discussion which has taken place upon the subject, there ought to be some good and sufficient reasons assigned for again calling the attention of the House to the question, and for incurring the risk of widening the differences that have unfortunately prevailed between the authorities of this country to whom the management of the affairs of New Zealand is committed, and probably must continue to be committed. I think that those who are interested in the welfare of New Zealand ought rather to show an anxiety to forget the differences that have prevailed, and the controversies that have taken place; and that they ought studiously to avoid—unless they have some good and sufficient reasons to assign for such a course, that they ought studiously to avoid having recourse to any proceeding which could tend to embitter those differences, and to throw difficulty in the way of an harmonious concert and co-operation on the part of the authorities to whom I am referring. The hon. Gentleman admits that the unfortunate events which have recently taken place in New Zealand, in themselves constitute no reason for this Motion. The hon. Gentleman even admits that in the present state of New Zealand the unfortunate conflict which has lately taken place, and its probable consequences, should operate as a discouragement to a renewed discussion, rather than as an incentive to it. Well, but the hon. Gentleman also says, "I will assign to you the real reason for this Motion." Now, I trust that the House will bear with me while I examine whether or not that reason is well founded. If it be not well founded, I think the hon. Gentleman who has made this Motion has incurred a great responsibility. I do not deny his perfect right to make an appeal to the House of Commons. He has a constitutional right to make that appeal, whatever may be the consequences; but I think that if the object of the hon. Gentleman be to promote the welfare of New Zealand, prudential considerations ought to have prevented him from exercising that undoubted constitutional right. Sir, the only ground that can be assigned for this Motion—and it is avowed to be the only ground—is, that language was held by me and by my right hon. Friend, in the course of the last debate, which is at variance with the course we have since pursued. I am, indeed, acquitted of the intention of endeavouring to gain a majority by holding out delusive hopes. The hon. Gentleman does not attribute that to me. He says, however, that the language which I used had that effect, and that Members were induced to vote with the Government, or at least not to vote against them, because they had relied on the declarations made by my right hon. Friend and myself. He also says that the course we have since pursued is at variance with our declarations. Now, I propose to inquire whether it is or not. I am not about to relieve the hon. Gentleman from the necessity of dividing; but I am about to vindicate and to defend myself and my right hon. Friend from accusations which I believe to be unjust. I shall, however, confine myself on this occasion to the duty of vindication; and I do not mean to enter into criminatory attacks on the New Zealand Company. I shall not revive past differences; but I shall rather bear in

mind that the New Zealand Company still continues a Company, and that it is desirable for the public interest that there should be a co-operation between that Company and the Government. I retain the opinions which I expressed on a former evening; but I shall endeavour to show that those opinions are in precise conformity with the course I have since taken, and that there is not therefore a pretence for this renewed appeal to the House. The hon. Gentleman the Member for Liskeard said, that he would not refer to any particular expressions I used in the speech I formerly delivered, but that he would rather allude to the general tone and spirit in which that speech was conceived. Sir, it was purposely conceived in a conciliatory spirit, and I purposely avoided any reference to past differences between the Colonial Office and the New Zealand Company. I wished to promote by the language I held and the spirit in which I spoke—I wished to promote the prospect of an early and a satisfactory settlement of disputes which cannot be prolonged without serious prejudice to the public service. But every word of the letter which I addressed to my noble Friend (Lord Ingestre), the Chairman of the New Zealand Committee—every word of that letter I am prepared to maintain; and if the hon. Gentleman thinks that the only mode in which we can avoid a record of hostile opinions upon this question is a statement on my part of a departure from the terms of that letter, such a statement I must tell him I am not prepared to make. I adhere to that letter; I say that I will not supersede my noble Friend in the conduct of the Colonial Office, I say that in the opinions of my noble Friend I concur, and that I believe my noble Friend to be influenced by a sincere desire to promote the welfare of the New Zealand Company, as far as he can promote it consistently with his duty to the Crown, and with good faith towards others. Those are the opinions which I expressed in that letter; and those are the opinions which I still entertain. The hon. Gentleman says—"Then do you mean to imply an approbation of the whole of the past correspondence?" That is not the point at issue. The question now is, whether the correspondence which has taken place since that speech was delivered, is at variance with the declarations I then made? That is the question, and the only question I have now to discuss. We have nothing now to do with the controversies of the years 1842 and 1843. I purposely abstain from noticing them; and as the objects of the Government are to consult the interests of that Colony, to lay the foundations of peace, and to consider how the British sovereignty can be maintained there in the best and most effectual manner, I think I should be acting most unworthily by noticing past disputes, and attempting to criminate any members of the Company. I do not mean to pursue such a course; and I shall confine myself to this question—whether there be anything in the communications which have appeared between the head of the Colonial Office and the New Zealand Company which is in the slightest degree at variance with the assurance that I gave, and the declarations that I made, not on my part merely, but in full concert, and after communicating with my noble Friend. Let us look, then, to the general tone and spirit of the observations which I made; for I admit that the tone and spirit in which a Minister speaks is the best indication of the *animus* and the intentions of a Government. Well, I spoke in a conciliatory spirit; but has my noble Friend acted in any other? Did he show any indisposition to receive a deputation from the New Zealand Company? Immediately after the debate was closed — after the reflections that were thrown upon my noble Friend—and after the imputations so liberally dealt on his conduct, he of course not having an opportunity to reply to them—I do not mean to say that that is any reason why they should not have been made—but after he had had an opportunity of reading those imputations, without having had an opportunity of replying to them, did my noble Friend show any indisposition to enter at once, three nights after the close of that debate, into friendly communication with the chosen deputies of the New Zealand Company, who were sent to confer with him? In order that such mistakes as had before occurred might not again occur, it was suggested that there should be minutes taken of the conversation, and that these minutes should be considered as records of what took place. Now, then, with respect to the tone and spirit of my noble Friend. My noble Friend had read to the deputation portions of the despatches he had just written; and in what terms were these despatches

conceived? Alluding to the New Zealand Company and to their claim for land, my noble Friend writes as follows to Captain Grey:—

"In my despatch of the 13th instant, I adverted to the relations between Her Majesty's Government and the New Zealand Company. An early settlement of the pending question respecting the Company's claim to certain lands is of paramount importance towards an amicable adjustment of the affairs of the Colony; and it is far more necessary to take effectual steps for bringing that question to a final, and, if possible, a satisfactory conclusion, than to discuss questions of strict right, or to carry on an unprofitable controversy."

Now, what could a Minister say more? The hon. Gentleman opposite says, "I advise you to select an agent, to give him a general discretionary authority, and not to bind him down by particular instructions." What course has my noble Friend taken? He has appointed Captain Grey. But the hon. and learned Gentleman says, he thinks it would have been better to have taken a person of high rank from this country for that purpose. Now, the selection of Captain Grey was a most disinterested act. It was possible, if we had selected some person in England, and had given him a large salary, that we should have been charged with having converted this affair into a matter of patronage, and should have been reproached for not having appointed a gentleman, such as Captain Grey, who was at New South Wales, and, therefore, close at hand, and who was conversant with the interests of New Zealand, and not a stranger; and the expression would have been, "For God's sake, why not send Captain Grey?" If we are wrong in this—in thus sending Captain Grey—at least we have acted from no other motive than to settle the affairs of New Zealand in the speediest possible space of time. My noble Friend said, "Don't let us refer to the past, but let us bring the affair to a speedy and satisfactory settlement." But how does he conclude his despatch to Captain Grey? He says—

"I can only repeat the instructions which I have already given to Captain Fitzroy, to endeavour, by amicable co-operation with Colonel Wakefield, to remove obstacles arising from unsatisfied native claims, and to discourage, as far as lies in your power, any exorbitant or extortionate demands on the Company on this head."

These are the general instructions which my noble Friend has given to Captain Grey, and these instructions have been communicated frankly and unreservedly to the New Zealand Company. So much, then, for the general spirit of my speech. Now, with respect to the particular facts. The hon. and learned Gentleman says, I made declarations with respect to the future Government of New Zealand which were at variance with the instructions given by my noble Friend. [Mr. *C. Buller*: I never said that. What I said was, that those declarations had never been carried out.] Well, which are not carried out in the instructions. This is the main point between us. The hon. Member says that I, speaking in the House of Commons, and influencing it by my declaration, gave an assurance here which my noble Friend, writing a few days afterwards, did not substantially carry out. What did I say? I said generally that I thought with regard to these distant Colonies, a representative government was on the whole the best mode of conducting them; that I thought this country could have no object in possessing these Colonies, except to see them contented and prosperous, and that on the whole the best way of ensuring contentment and prosperity, as a general rule, was to establish a form of government in accordance with the views of the inhabitants. But I said that in the present state of society in New Zealand, looking at the dispersion of its inhabitants, and the distance of its settlements from each other, I thought it would be exceedingly difficult at once to give effect to the principle of representative government, if, by representative government you mean a popular assembly with extensive powers of general legislation and taxation. But the particular declaration which I made was this:—I said, it is quite clear that seeing how the settlers are spread over the Northern Island, it would be no easy matter to apply the principle of representative government according to the rule observed in more thickly-peopled countries; that I believed by far the best plan would be the formation of municipal institutions, with extensive powers of local taxation for local purposes. I said that I thought these municipal institutions might be the germ of future representative government; that I hoped such would be the case, but that the Colony was not now in a condition for a representative government in the sense in which we usually

apply that word; but that I thought the best foundation for a future representative government would be the formation of municipal institutions, with extensive powers of local taxation for local purposes. That is the declaration which I made. What did my noble Friend write to Captain Grey? He says—

"There is another subject to which your attention will probably be directed, namely, that of a representative government in New Zealand. By a representative government, I mean the constitution of a legislative assembly with general power of legislation. I should be very glad if I could think it practicable in the present condition of the Colony to adopt this course: but the objections appear to me insuperable."

Here my noble Friend admits that he thinks the principle of representative government good, and regrets only that the circumstances of New Zealand prevent, for the present, its application. He says there are, above others, reasons which have reference to the distance of the settlements from each other, and the peculiar position of the native population; and, he says, "For these, among other reasons, I think the admission of the representative system for the present impracticable;" and my noble Friend then requests Captain Grey to direct his attention and that of the colonists to the formation of local municipal bodies with considerable powers of taxation for local purposes, and with the power of making the necessary by-laws, leaving the more general powers of legislation vested in the Council as at present constituted. Looking at the peculiar circumstances of New Zealand, he continues—

"I should not object to extend the authority of these local bodies over a considerable district of the surrounding country."

He stated, and I think the House will concur with him, that he wished to see these districts so extended as to take in a portion of the native population; but not in such numbers as to enable them in their present unenlightened state, by physical force, and by the force of numbers, to overbear the intelligent portion of the inhabitants; but to accustom them to the former, and privileges of representative government, and municipal institutions, by incorporating them, as far as you can, in these institutions, and by giving them equal privileges, and making them bear equal burdens. Does the House object to that? My noble Friend also stated his opinion, that in these bodies it would be found advisable to limit, as far as possible, so much of the burden of the Government expenditure as could fairly be considered of a local character, to the particular district, thus obviating the objections which might be urged by the inhabitants of distant districts, that they were taxed for the purpose of meeting expenditure in which they had no concern, and from which they derived no benefit. What, then, were the instructions of my noble Friend? That these institutions should have all the control over local taxation and expenditure which is compatible with the due exercise of the functions of the governing body. It is impossible that they should have supreme power. You must put some limitation, because you do not wish to have separate bodies with supreme powers. You do not wish to have one system of custom-house regulations in one settlement, and another system in another. You do not wish, I presume, to have one law for the succession to property in one part of the Colony, and another law in another. You do not wish to establish the law of primogeniture in one district, and destroy it in another. You want now and for ever to have one controlling supreme body, to whom the general powers of legislation must be entrusted. You wish to have one general body to whom general taxation for the support of the Government and the charge of the State shall be committed. That, I apprehend, is inevitable; but, in the mean time, constitute municipal institutions, widen the range of their authority, and commit to them as extensive powers, both of taxation and control, as is consistent with the authority of the supreme legislative body. How are these municipal bodies now constituted? I apprehend on as liberal a basis as any one would wish. I believe every male having arrived at the age of twenty-one years is entitled to vote. [Mr. *Aglionby:* That is not the case yet.] But a local law has passed regulating the franchise, and conferring it on every male inhabitant of the age of twenty-one. No one wants a more liberal constitution of municipal bodies than this. But the powers of taxation were limited; they were limited within far too narrow bounds. The hon. and learned Member says, these institutions give powers which are only sufficient for paving and lighting; and he asks whether such

powers are suitable for Colonies in the position of New Zealand. Most certainly not. I will not define what local purposes are; but when you constitute these municipal institutions, you ought to constitute them on a liberal basis as to the franchise, with authority over as extensive districts as you can. You ought to secure to them every power of local taxation, with all the control over local expenditure which is compatible with the functions and authority of the Supreme Government—namely, the Governor in Council, as at present constituted. Sir, I apprehend that, in speaking of the existing constitution and members of the Council, I am not to be understood as implying that for all time to come seven members, four of them holding office and three not holding office, according to the instructions of my noble Friend—I mean the instructions given by the noble Lord who formerly held my noble Friend's office — instructions no doubt perfectly well suited to the state of society as it then existed—when I say that I think these municipal institutions will form the germ of a representative government—if you say that for all time to come this Council is to remain unchanged, I admit that such is not the germ of the representative government which I desire to see. But when you have municipal institutions it will be perfectly open to consideration whether you may not give a more extended and liberal character to the Council. Such is the spirit in which my noble Friend's instructions are conceived. How you are to constitute the Council I do not say; that, of course, must be an element for your consideration; but after you have constituted these bodies on extended and liberal representative principles — after you have committed to them powers of local taxation, my belief is, that it will be necessary to reconsider the constitution of the Council, and give it a power more consentaneous with municipal institutions. But what possible object can we have in so modifying the Council as to disentitle it to the confidence of those for whom it is to legislate? I think I have given a satisfactory explanation of the intention of my noble Friend. If the New Zealand Company had any objections to urge, why did they not state them? But not a word of objection was sent; and now this Motion is made in the House of Commons, and now, for the first time, these objections are brought forward. These were the intentions of my noble Friend in sending out these instructions; and I think it utterly impossible that any man, in the present state of the Colony, could have given more precise or more positive instructions. Instructions have been given which I could not, consistently with a sense of public duty, lay on the Table of the House. I could not run the risk of their being made known in the Colony before the arrival of the Governor; but the time will come when these instructions will be laid on the Table, and the House will then have an opportunity of seeing whether the imputations cast on my noble Friend with regard to his conduct towards the New Zealand Company are well founded or not. I speak under great difficulty in this respect, because the same objections apply now, as then, with regard to the production of those Papers. There are also despatches to Captain Fitzroy; but having removed him from office, we do not think it right to present them. These despatches, however, explicitly state on the part of my noble Friend the objections entertained with regard to his conduct, and the grounds upon which he felt called upon to advise his recall. These instructions will be in the hands of Captain Grey, and will serve as an indication to him of the policy of my noble Friend. I hope I have proved to the satisfaction of the House that I did not say one word with respect to the representative government, or the formation of municipal institutions, in which the instructions of my noble Friend do not both in the spirit and in the letter concur. I hope I have shown, that far from attempting to gain a majority by delusive assurances, I said not one word which has not been literally carried into execution by the instructions of my noble Friend. With respect to Auckland, I stated that, deterred by general considerations, I was not prepared to give any assurance that the seat of government should be transferred from thence. My noble Friend has given instructions with regard to Auckland in precise conformity with my declaration. With regard to the relation between the New Zealand Company and the Government, did I give any assurance at variance with the opinions expressed by my right hon. Friend? Did I say that the Treaty of Waitangi was not to be respected? What language did I hold with respect to that? I said, distinctly, that if the House

affirmed that the Treaty of Waitangi enabled the Crown to dispossess the natives of all their land without full inquiry, they would, in my opinion, lower the character of this House in the estimation of all who respect the inviolability of public engagements. I said I thought nothing could be more unjust than if the House were to pass censure, or implied censure, on the conduct of my noble Friend, because he avowed his determination to carry honourably into effect the Treaty which had been made with the natives of New Zealand at Waitangi. I believe this is the point, and almost the only point, on which we are at issue. I believe that, after all the volumes of controversy which have appeared, the question really resolves itself into this; shall the Government undertake to guarantee, in this country, within certain limits in New Zealand, a certain amount of land, withough reference to the rights to that land vesting in the natives? [" No, no!"] If you mean to say that the Crown shall do all it can to possess the Company, through the intervention of local authorities, of that quantity of land to which they were entitled by the award of Mr. Pennington—if you say that the Government should give a liberal construction to the claims of the Company—that it should not remain indifferent—that it should exert itself by all legitimate means at the earliest possible period to enable the Company to obtain by legitimate means all the land they claim—if that be your meaning, there is no difference between us. But this I tell you distinctly we will not do; and if the House entertains a different opinion, it is but right that it should give expression to it. We will not undertake, in the absence of surveys and local information as to the claims of the natives, to assign to you 1,000,000 or any other number of acres, and dispossess the natives by the sword. [Mr. *Aglionby:* Nobody ever asked that.] I admit that the New Zealand Company has a fair right to expect from the Crown to be put in possession of the quantity of land awarded to them at as early a period and in as satisfactory a manner as possible, with this clear reserve, that you shall not violate a compact, or infringe the rights of private property. I say this entirely differing from the policy which dictated the course pursued in 1839, which I regard as a serious error. You should have rested your claim on the ground of discovery, and not on some cession by the natives. Acting on the Report of the Aborigines' Committee, you laid down a principle which has involved you in your present difficulty; and now you are trying to make us responsible for it. The hardness of the names connected with the subject indispose people to pay attention to it; but if you will listen but for a quarter of an hour, I will show that this difficulty is all of your own creating, and that if you seek to involve my noble Friend in censure for not violating this Treaty, you will commit an act of gross injustice towards him. The construction of these Treaties depends on the circumstances of the time when they were formed, the impression entertained by the Executive Governments and the legislative assemblies, and on the language which you instructed your Representative to hold. It may be all very well to say this Treaty was an improvident one, let us get possession of the land; but I tell you there are parties in New Zealand enemies to your authority, who know what passed in 1839, and the circumstances under which the British sovereignty was then established. I ask you to beware—first, from considerations of justice, and next by considerations of policy—how you take upon yourselves the responsibility of violating the engagements into which you have entered. I agree with the hon. Member for Bath, that the title derived from cession by the natives was unwise, liable to misconstruction, and, above all, that it is extremely difficult to show a right of sovereignty in this way unless you had the unanimous consent of the natives. But you must bear in mind what passed in 1839. Lord Normanby was then at the head of the Colonial Office. He sent out a certain naval officer named Hobson, entrusted him with diplomatic and executive functions, and gave him instructions. Will you tell me what those instructions were? I will read the words which a Secretary of State, six years ago, speaking in the name of the Crown, gave to on officer sent to represent Her Majesty. The letter is dated August 14, 1839, and is notorious among the natives in New Zealand, and it states that—

"The natives of New Zealand are a numerous and inoffensive people, whose title to the soil and sovereignty of New Zealand is indisputable."

What is meant by the soil? The Secretary of State says the title of the inhabitants to

the soil of New Zealand is as perfect as their title to the sovereignty which has been solemnly recognised by the British Government. Solemly recognised! What is the meaning of this solemn recognition of the title of the natives to the soil? He says—

"We acknowledge New Zealand as a sovereign and independent State. The Queen disclaims for Herself and for her subjects any pretensions to seize on the islands of New Zealand, or to govern them as part of the dominions of Great Britain, unless a free and intelligent consent of the natives, expressed according to their usages, should be first obtained."

You now find these usages very absurd, the title to land derived by having eaten up the last incumbent, for instance; but the Secretary of State ought to have considered that before he disclaimed the right of his Sovereign to exercise dominion in New Zealand unless the free and intelligent consent of the natives should have been first obtained. So much for sovereignty. Lord Normanby proceeds—

"All dealing with the aborigines for their land must be conducted upon the same principle of sincerity, of justice, and of good faith as must govern your transactions with them for the recognition of Her Majesty's sovereignty in the island."

Observe, now, you did not claim the sovereignty by right of conquest or by that of discovery, but by the cession of the natives. Writing to your Representative there you say—

"It will be your duty to obtain, by fair and equitable contracts, the cession to the Crown of such lands as may be necessarily required for the occupation of the settlers."

Now, tell me what construction you will put upon those written proofs of your sovereignty? But when you said, "Get the sovereignty by cession, according to the usages of the aborigines, and only take the lands in the same way," what, I ask you again, is the construction that you put upon these engagements? Now, observe that Lord Normanby says again—

"To the natives or their chiefs much of the land of the country is of no actual use, and in their hands it possesses scarcely any exchangeable value."

But first he tells you to "take no land except that which is by cession fairly granted." He further tells you that "you must be cautious that you do not take any land even by fair cession, if it could be considered that the taking of such land would interfere with their rights." These were the instructions which were given by the Secretary of State for the Colonies only about six years since, and in consequence of these instructions you formed a Treaty to this effect:—

"On account of acquiring sovereignty by cession, Her Majesty the Queen of England confirms and grants to the chiefs and tribes of New Zealand, and to their respective families, the full, exclusive, undisturbed possession of their lands, forests, habitations and other property which they may collectively or individually possess, as long as they may wish or desire to retain possession of them."

Now, my noble Friend had argued that the Crown, by proclamation, had claimed the right of pre-emption from the natives, as we admitted only a qualified right on their part; but we claimed the right of pre-emption because those lands were ceded to the Crown by the Treaty of Waitangi. The Treaty goes on to say—

"The native tribes and individual chiefs give to Her Majesty the exclusive right of pre-emption over such land as may be disposed of at such prices as the persons appointed on behalf of the two parties may think fair and reasonable."

The argument, therefore, of my noble Friend falls to the ground in respect to this point of pre-emption. The Crown claims a right of pre-emption, because the right of pre-emption is ceded to the Crown by the Treaty of Waitangi. These are the public engagements which you have entered into. You have stipulated on the part of the Crown that, as the price and condition of your possession of sovereignty, the natives should not be called upon to relinquish their lands except by a fair cession, and for a fair equivalent. Now, my noble Friend does not contend that there necessarily is on the part of the native chiefs and tribes a claim to the whole of the waste lands in New Zealand; but after this engagement which you have deliberately entered into with them, he thinks that the rights of the natives ought to be clearly ascertained before you can enter into a consideration as to what those particular waste lands are which the Crown may lay claim to. I consider that the right of sovereignty which has been ceded by the natives gives to the Crown the perfect right of possession over all lands which the native tribes cannot lay a perfect claim to; but the tribes cannot, according to their usages, establish a right

of property to certain waste lands. I admit your interest in these lands by the engagement entered into between the Crown and the natives—I admit the importance, too, of your future interests in the Colony—I admit the great advantage it would be if you could induce these natives to relinquish, by fair cession, some of these lands—I admit that to accomplish so desirable a result that every effort on our part ought to be made. But if, as I think it is, the question be, whether the Crown shall, upon its own responsibility, undertake to dispossess, by force, and against the will of the inhabitants, the natives from certain lands desired by the New Zealand Company, let us, then, have no mistake upon the point; for you shall not say that I am deceiving you. I tell you at once that we are not prepared to give you any such assurance. Sir, this is the spirit in which we shall meet the question—the same spirit that actuated us in the former discussion of this subject—and which influences me when speaking again upon it. I speak not in a spirit of hostility to the New Zealand Company, but with a sincere desire to see that Company restored to prosperity, and Her Majesty's Government acting in concert and co-operating with it. But to gain that concert and co-operation, I will not do that which I believe to be inconsistent with public faith, which I admit was unwisely pledged to the natives of New Zealand. I admit this, Sir; but, at the same time, I think that you are bound to observe it, however weak these natives be. Considerations of justice ought to induce you to respect that weakness. But you admit that the natives are possessed of great powers. Considerations, then, of mere policy must at once induce you to maintain peace with them, rather than come to the determination of dispossessing them of any grounds which they lay claim to, by an exercise of physical force. I do not say that this argument I should have greater reliance upon, than upon your desire faithfully and honourably to perform those public engagements into which you have deliberately entered with them. I do not mean this in the mere technical definition of the words. I cannot have a doubt but that you have a power to overbear any force that could be brought against you in New Zealand; but I think that you should rather regard the settlement of this question by cordial and friendly relations, than that you should trust to force and physical strength to overcome your difficulties. Depend on it that the seeds of future government in New Zealand would be very imperfectly laid, and will come to no head or satisfactory maturity, unless you do respect not only the principles of justice, but also unless you bear in mind the natural feelings of the native population. Instead, then, of taking that course which has been taken in regard to other Colonies, you should try and incorporate the natives of New Zealand with your own institutions, and, as far as possible, to amalgamate the two countries, and connect them together by deeds of reciprocal kindness. Observe the course which France has taken in Algiers. Recollect that in India you have respected the rights of native tribes to the land. You have, I apprehend, contented yourself with the sovereignty you have there obtained; I think you ought to content yourself with the sovereignty here, and with the title to all that land to which the sovereignty lays claim. But even if there be some further demands made by you, you should try to obtain them by fair cession and equitable arrangement, rather than seek to obtain them by unequitable determination. Sir, I hope I have said nothing to give dissatisfaction to the hon. and learned Gentleman. Upon this second debate, and upon this second appeal, I trust the difference between the Company and Government has not been widened. I feel that I have said nothing that can involve me in any such responsibility. I hope that I have cautiously avoided recrimination or partial proceedings, and have only contented myself with that vindication which I felt it necessary to offer against a most unjust attack that has been made upon my noble Friend. I state fairly to the House the course we are prepared to take—I state that to the House of Commons. It is, of course, for them to determine whether they shall adopt an opinion adverse to that. I also say that you shall not succeed in establishing between my noble Friend and myself any distinction, for my own opinions in respect to the future policy of New Zealand meet with my noble Friend's entire concurrence. The language which I have now uttered is language which, had he been here, he would have himself uttered, but with much greater force. His desires of fulfilling the assurances which I have given (not without having a conference with my noble Friend) are equally great as mine. I will not do that which

the New Zealand Company seem to think I might do—undertake to supersede, in the discharge of his proper functions, a Minister who I believe has discharged his official duties with almost unexampled ability, and with a sincere desire to promote the interests of every Colony over which he now presides.

Mr. *Roebuck* wished to say a few words to remove an unfounded impression from the mind of a gentleman who had addressed himself to him in very courteous terms. He stated that he had charged him with exercising a paramount influence in the Colonial Office, and with being himself at the bidding of the Missionary Society. What he did say was this—that from the necessity of that gentleman's position he exercised an influence in the Colonial Office — that it required very peculiar power on the part of any person coming to that office to avoid being subject to that influence — that he believed the person holding the seals of that Department at the present moment was not proof against such influence—and that therefore the responsible officer was, in reality, under an irresponsible officer. If he had imputed to the gentleman the suspicion of sorcery, it was only of that description which was implied in the power of a strong mind over a weak one. That was no imputation on the honour of the gentleman. That gentleman had stated that he had charged him with being at the bidding of the Missionary Society. Not at all. What he said was this—that having this influence he had adopted a line of policy in consequence of a certain feeling on his part that the Missionary Societies were doing great good in that part of the world. That he thought he was mistaken; he thought, therefore, his policy was wrong, but he never intended to say he was at the bidding of anybody, but merely that he obeyed the impulse of his own mind, which led him to a wrong conclusion.

Lord *John Russell*: Before entering on the question which is immediately before the House, I think it is due to a gentleman, whose name has been mentioned both by the hon. and learned Member for Bath, and by the right hon. Gentleman opposite, and by a right hon. Friend of mine, the Member for Taunton, to give my testimony as to the conduct of that gentleman as an officer in the public service. Now, Sir, my experience of that gentleman can only be an addition to the knowledge which the House has of his powerful talents, of his various acquisitions, of his long experience in all matters of Colonial government. Those, I say, are qualifications which no one will deny to Mr. Stephen; but it is said, and the hon. and learned Gentleman declaring that he means no personal offence to Mr. Stephen, seems to repeat the charge, that he does use his powerful talents to exercise undue influence over the Principal of the Department in which he is placed, and that he himself is biassed by the Missionary Society in this country. [Mr. *Roebuck*: I did not say that he exercised undue influence over his principal.] I understand the hon. and learned Gentleman to interrupt me by saying that he did not use the expression, that Mr. Stephen exercised undue influence over the mind of his principal. Now, my only testimony is, that a person with such qualifications as I have mentioned, when found in office by any person who may be placed at the head of that office, must naturally be consulted by such person, if he has any fitness for the office to which he has been appointed. That the views and opinions of Mr. Stephen may have more or less of influence, must depend on the views which the Secretary of State takes. All I can say is, that I always found, while Mr. Stephen was ready to give any information as to facts—to give any information as to past regulations of former Secretaries of State, or as to laws bearing on the subject—he was always most unwilling, unless asked, to give his opinion as to what should be the general course of the Government on any subject. When asked, he would not refrain—it was his duty not to refrain from stating that opinion. Such opinion, as far as regards myself, I always endeavoured to weigh carefully, considering the source whence it came, and the arguments by which it was sure to be supported; but always with the independent resolution in my own mind, that if I thought the result to which those arguments led, was not such as would be conducive to the welfare of the Colony in question, or of the Empire, that I was bound to adopt exactly opposite conclusions, or a conclusion at variance with that of Mr. Stephen, as much as of any private individual with whom I might happen to differ. And, therefore, concluding of others as of myself, I should say that the notion generally entertained that everything is done by Mr. Stephen in the Colonial Office, is unfounded; and it arises solely from the

known abilities of that gentleman, and the supposition that they must have predominant weight in the counsels of any office in which he happens to be placed. I will say further, that when he intimated to me his wish to retire from that office, and be placed in some other situation under the Crown, I immediately represented that fact to Lord Melbourne, and induced him, in agreement with me, to beg Mr. Stephen to remain in the office in which he was, on the ground that the public service would seriously suffer, if deprived of his aid. [Sir *R. Peel:* The same thing has lately taken place.] I understand from the right hon. Gentleman (Sir R. Peel), that the present Government take the same view of Mr. Stephen's services that Lord Melbourne and I took; and it must be a strange fascination, honourable to Mr. Stephen, if, without real and substantial merits, he can induce all those who are placed in office over him to take such a view of his merits and services. Now, Sir, I will deal with the question before the House. That question, I think, has been made in this, as in the former debate, too much of a personal matter between the Secretary of State and the New Zealand Company. I regret that that has been the main topic—I regret that the Attorney General wasted, I should say, the whole of his speech in a controversy as to the merits of these two parties. But when the right hon. Gentleman says that my hon. and learned Friend near me is responsible for bringing on the question a second time at this period of the year, I, on the contrary, rather take blame to myself, that I did not either myself take the sense of the House, or induce others, at an early period of the Session, to take the sense of the House, on the government of New Zealand, which, in my opinion, and in the opinion of many others, could not but end in disaster. I did hope—and that was my reason for refraining—that the New Zealand Company, being in communication with the Secretary of State, and representing a large body of settlers in that Colony, might at length induce him to take a juster view of the interests of the colonists; and that we should not be obliged, by an adverse debate, to force from the Minister adverse arguments against what I conceived the interests of the Colony. But when the matter comes to be debated here—and debated a second time—I must say, putting out of view altogether the interests of the Company—putting out of view any agreement they had made with me—there is this great question to be considered, upon which my hon. and learned Friend asked you to give an opinion, namely, whether or not the condition of the Colony of New Zealand does excite serious apprehension? And, in the second place, whether that apprehension is aggravated by the evidence, that there is no change in the policy which has led to those disastrous results? That, Sir, is a question which, putting aside the Company—putting aside any loss of their capital—putting aside the very question of their existence as a Company—that, I say, is a question interesting to the people of this country—interesting to the settlers who have gone out there—and interesting to those who purpose becoming emigrants to any of our Colonies in any part of the world. That is a question totally independent of the Company, upon which the House of Commons may fairly be called upon to give an opinion. It is a question upon which I think it is now desirable to ask for the opinion of this House. Let me, in the first place, ask what led to the late disasters? What has led to this, but the conduct of the Governor, who was appointed by the present Secretary of State? What has led to it, but the serious errors which he has committed? What has led to it, but his continual concessions to the natives, who attributed such concessions to fear and weakness; and who, after having by intimidation forced one concession after another from him, at length thought, by further outrage, and by further intimidation, they should entirely destroy the sovereignty of the Queen in New Zealand? Why, Sir, I have a letter here, among the Papers printed in the early part of the Session, in which this very chief, who has attacked and destroyed one of our settlements in New Zealand, is addressed as friend Heki Poki by Captain Fitzroy, the Governor, and in which he tells him that the Governor has made certain regulations; but he says these regulations would not please greedy Europeans, who wanted to get all the best lands. Now, when a Governor, who is sent out from this country with the Queen's authority—who is sent out in the name of the Queen of England—talks of greedy Europeans, and thus incites a barbarous chieftain to think he is their friend, and opposed to the Europeans—not pointing out any particular Europeans, but speaking of Europeans

generally, as persons greedy of land, and wishing to act unjustly by the natives—what could be more natural than that this barbarous chief should conclude that, from some motive or other, the Governor would always act in his favour; and that he had nothing to but to apply force more and more, until he had forced the whole sovereignty away from such a timid and incapable Governor? Well, it is said, that Captain Fitzroy is recalled; that he is separated from this friend of his, for whose apprehension he was afterwards obliged to offer a reward; but that does not relieve the Government from their responsibility. He was the person whom they thought most fit to govern that Colony; and I say, if you have removed that Governor, give us a proof that you have changed the policy that led to the late disasters, by which we may think that such disasters will not occur again. Has there been anything communicated to the House to show there is that change in your policy—to show that a tone of greater firmness is to be taken—that the extravagant pretensions of the natives will meet with a due check? Has there been anything communicated to the House to show that you do mean really to assert the Queen's authority—to show that you do not mean to pamper every extravagance which the natives of such a country would be capable of forming, and that you will not yield repeatedly to those pretensions, until at last it will end in a scene of bloodshed, and not only much British blood will be shed in such a contest, but the whole Colony itself will be a scene of disaster such as is scarcely to be found in any former Colony of the British Crown? Have you done anything of this sort? The policy which you have pursued having been notoriously the cause of this disaster, having been the cause of the loss of British lives, have you said anything from which we can suppose there will be a better course of policy in future? This is not a question for the New Zealand Company to dispute with the Secretary of State; but it is a question of supreme importance to the good government of the Colony, and the welfare of the British Empire; and it behoves the House of Commons to consider it. If the House of Commons should be of opinion, that the Government have so changed their policy, that they have laid down rules for a wise policy in future, then let them put their negative upon the Motion of my hon. and learned Friend; let them decide that there are reasonable grounds for expecting, under the present Executive Government at home, a better course of policy towards New Zealand, which shall lead to the future prosperity of that Colony, and then let them acquit the Government of all blame. But has the right hon. Gentleman proved that to be the case? I think his speech to-night is less satisfactory than his former speech. I thought his former speech contained a stronger assurance as to the future government of the Colony, than his present speech; and that for a very good reason. He now tells us, that he is speaking in complete concurrence with, and with the authority of the Secretary of State for the Colonies; but, as far as I could perceive, when he was speaking on a former occasion, he was giving the result of his own reflections—of his own opinion—as to the government of that Colony; and it was a much sounder opinion than any which he is likely to form after a conference with the Secretary for the Colonies, who has been, for the last three or four years, in controversy with the New Zealand Company, and who cannot conceive anything to be right which is done in New Zealand, unless done by him, and in opposition to the Company. The question is so blended in his mind, that it is impossible he can come to a right conclusion on this subject. If it should be a conclusion tending to the prosperity of New Zealand, giving consolation and tranquillity to the relatives of all the settlers who are out there, if he believed it to be so, he might not object to it; but as it would be a conclusion in favour of the Company, he never would adopt it, he never would see matters in that light. What is it that the right hon. Gentleman tells us, after this concert, and speaking by this authority—what is it he tells with regard to the two great questions, which in an infant Colony, must be of paramount importance—first, as to the form of government; and, secondly, as to the purchase of land? These are the only topics upon which I will at this hour trouble the House. With regard to the form of government, I can hardly treat that question properly without referring to the instructions given in December, 1840, to the Governor of New Zealand; for the right hon. Gentleman speaks of municipal institutions as if it was an entirely new notion which had occurred to the present Government, that it would be a good thing to have municipal institutions applied to

larger districts than the mere tow nsBut what I ask of the Government is, what have they done from September 1841 to July 1845, to promote the prosperity of this young Colony? I have a fair right to ask, whether we have seen that Colony make such progress as we might expect—whether we have seen it increase in wealth—whether we have seen it increase in the number of its inhabitants—and whether it bears all the evidence of an increasing and improving Colony? One of the first instructions that I gave to the Governor of the Colony contained these words :—

"Another important rule for your guidance, is to promote, as far as possible, the establishment of municipal and district governments for the conduct of local affairs, such as drainages, by-roads, police, the erecting and repair of local prisons, court-houses, and the like. Independently of the excellent uses of such institutions, regarded in a political light, there are none more consonant with the English character and habits, and none better calculated to an efficient and frugal expenditure of public money. It is of the utmost importance to withdraw from the Governor the care of these innumerable local petty details, and to relieve the public treasury from the wasteful expenditure in which it must be involved, so long as it is burdened with the double charge of collecting local assessments, and of effecting local works. Nor is there any better mode of training the colonists to the exercise of the more important duties of a free people, and a representative government."

Now, I ask, what municipal charters have been established by the present Government—what settlements are there in New Zealand governed by municipal institutions? Have there been any such formed? Has anything whatever, in fact, been done in that respect from 1841 to 1845? I believe there has not; and now that you are about to send out new instructions, I say that these instructions for 1845 fall lamentably short of what they ought to be. My opinion, perhaps, in this respect, goes beyond that of some others, as to what would give effect to the government of the Colony. I think you should not only have these district and municipal institutions in the towns where settlements now exist, but I think that there should be persons called from these towns to consult with the Legislative Council for the purpose of legislation. I think that the Council which has been formed has not proved itself sufficient for the purpose for which it was constituted, and I say it ought to be strengthened by some delegations from those municipal bodies. It would thus have greater influence, greater wisdom, and greater strength for the purposes of taxation. And, besides, it would be in accordance with the principle of the British Constitution. That, let us never forget, is the principle of the BritishConstitution—a principle, too, asserted in very unfavourable times by a statesman who holds no trifling place in English history; I allude to the discussion which is recorded in the Appendix to Fox's History with regard to the government of New England in 1685. It was in the latter days of the reign of Charles II., and in the Council of the King it was discussed whether the Charter of New England, having been forfeited to the Crown, they should establish an arbitrary government in the Colony, or grant it a representative constitution. On that occasion, Lord Halifax declared that it was repugnant to all the feelings of Englishmen, that there should be any authority to tax, which did not derive its authority to do so from the people, and that, therefore, he maintained that there should be no government having a power of taxing the people, which did not derive that power from the people themselves. He said—

"I would not bear that any man should have the power of taking money out of my pocket except I gave him authority so to do."

That was the opinion of that great man. It was an opinion that did not coincide with the feelings of the majority of the Council, and it was no wonder Barillon, who combated strongly against it, should have generally prevailed. I think you ought to take the first opportunity that offered itself of showing your adherence to the great constitutional principle I have just quoted. It seems to me that this is an opportunity fitted for the purpose, and that you should take advantage of it, at least, to indicate somewhat of the force and efficacy of representative institutions; and I am confirmed in the opinion of this being the proper moment for doing so, from perceiving the weakness of the present Legislative Council, from seeing their acts, and the total want of confidence which the settlers of New Zealand, very naturally, I think, exhibit towards them. But I ask, has that anything to do with the New Zealand Company? Has it anything to do either with the mistakes or the virtues, whichever they may be, of the Company? Is it not clear that it has not, and that it is a question on which the settlers of New Zealand have a right to ask for the attention of

the Executive Government? Or, I ask, is it a question on which this House should be indifferent—this House, which derives its authority from representative institutions? And, I ask, too, is my hon. and learned Friend so greatly to blame—is he a person so deeply responsible as has been alleged, because he ventures to say in the House of Commons, with regard to a British Colony—with regard to 12,000 British subjects settled there—that he thinks even in New Zealand the principles of representative government ought to be respected. These are the observations that I have to make on your decision, as far as municipal institutions in the Colony are concerned; and the opinion which I am forced to adopt is, that you have rather gone back than gone forward in your government of New Zealand, during the last four or five years. Lord Stanley has given reasons in his memorandum for not granting representative institutions. He says, that it is impossible to give the franchise to the natives; and that it would be unjust to govern them without giving the franchise to them. Now, unless we can suppose the entire native race to be annihilated in a few years, we have here an argument against any representative government for the next century. It is all very well for the Government to say, with regard to this, as to many other subjects, that the principle is highly to be recommended. Nothing is more desirable than representative government. It is a thing we all admire, and there is nothing we will not say in its favour; but, at the same time, there is nothing that we will do for it. If you ask us to pronounce a panegyric upon representative government, we are ready to do so in the most beautiful language, and most highly-coloured terms; but as to granting such a system to the settler in New Zealand, or to his son born three months ago, that is a thing that we cannot think of. I then come to the other important question, which is the question of land. The right hon. Baronet referred to what we had done in 1839, and stated that much of the mischief which has since been done, originated in the steps then taken. Now, the view which was taken in 1839, depended, in a great degree, on the view which had been adopted in 1831 and 1832. At that time, the New Zealanders were acknowledged as an independent nation. Their flag was recognised, and their independence admitted, by the Crown of this country. Now, that may have been a wise or a foolish step; but after it had been taken, I do not think we could have gone on claiming these islands, on the ground of the right of prior discovery. I think that any one succeeding Lord Ripon as Secretary of State, must have acted on the view which that nobleman had taken of the subject. A noble Friend of mine, a man of great and powerful talents, who now bears a title which will be ever memorable in English history—my noble Friend who so lately sat in this House, and who has succeeded to a name which it will be difficult worthily to bear—stated with that candour which belongs to him, that though in office at that time, he did not approve of the steps that had been then taken. But these are matters of difficulty, on which any man in subsequent years, and with increased experience, might well change his opinion. It might be open to Her Majesty's Government to set aside all former Acts, and to declare that they did not acknowledge any independent tribes in the country. But these tribes had, by the Treaty of Waitangi, acknowledged the sovereignty of the Crown of these realms, though, at the same time, they provided that they should be left in possession of all their lands, forests, and fisheries. On a former occasion, I alluded to the effect of that Treaty. It is, therefore, sufficient for me now to say that the sense which I then attached to the Treaty, I had attached to it within a month after I received the account of its being executed; and this assertion I make on the authority of Papers that have been laid on the Table of the House. I stated, at that time, that the title of the natives was to be acknowledged in all lands in their enjoyment or occupation; and that is the sense which I always continued to attach to the terms of the Treaty, and which I have since then repeated more than once. And not only was that the sense attached to the Treaty by me, being, as I then was, in immediate communication with my noble Friend the Marquess of Normanby, whose responsibility I am quite willing to share; but it was also the sense in which the Treaty was viewed by the great majority of this House—a majority not agreeing in politics with myself, but being many of them supporters of the right hon. Baronet. On the Motion of the noble Lord (Lord Francis Egerton) this House declared that they viewed the Treaty in the sense in which I now regard it; and that the other sense which was contended for was not neces-

sary to its true construction. If that be the case, do not tell me, that this plain matter of fact resolves itself into the proposition put by the right hon. Gentleman, as far as we can know his opinion, from his report of the sentiments of Lord Stanley —that "here is a plain Treaty, and will the House of Commons or House of Lords ask us to violate the terms of it—to violate the solemn engagements of the Crown?" I say, that is not the question. The question to be decided is, what the sense is that is to be attached to the Treaty? What is the true interpretation to be given to it? If I wanted farther argument on that point, I would find it in what we had been told the other day by the right hon. Gentleman (Mr. Gladstone), that the true construction of the Treaty of Utrecht was not that which appeared on the face of it, but a totally different construction. Of this I am sure, that if you attach the construction now sought to be put upon this Treaty by Her Majesty's Government, you will be doing that which has never before been done. The noble Lord at the head of the Colonial Office may say that the greater part of these waste lands are as much private property as are the Highlands of Scotland. Is there the least resemblance between the two? Commissioner Spain said that in the Middle Island there were millions of acres available for the purposes of cultivation on which human foot had never trod. Here in this island, as large as England, inhabited by about 1,500 members of a savage tribe, was there anything resembling the Highlands of Scotland? You must take one of two courses in this case. You must say that New Zealand shall be treated as inhabited by a civilized people; and then, as at the Cape of Good Hope or any other ceded Colony, declare the vast tracts of waste land are vested in the Crown, and which it alone can dispose of; or you must treat the people of that country as Sir George Gipps did the natives in a neighbouring Colony, and must apply the principle of Vattel, who alleged that savages could only hold the land they occupied, and beyond that they should have no favour whatever. Perhaps these people rather more nearly approach to civilization, and have a little more knowledge of government than other savages; but it is too much to say that they should be regarded as civilized people. Sir G. Gipps said that they had no knowledge of what they were about in their dealings with land; and he mentions the instance of some of them who sold a vast tract of land, upwards of 20,000 acres, to Mr. Wentworth, which that gentleman purchased of them at the eighth part of a farthing an acre. What possible resemblance is there between their alleged ownership of these lands, and that of the extensive possessions of the Duke of Gordon or Duke of Argyle in the Highlands? Is there any possible analogy between them? The whole of these lands must be vested in the Crown; and in all cases where you find such instances of savages, deal with them as Sir G. Gipps did. What has passed to-night, indeed, gives a hope for the future, for the Colonial Secretary has endeavoured to establish a principle which has never been heard of by a civilized people; a principle which neither in a territory occupied by a civilized people, nor in a territory inhabited by savages, has ever hitherto been thought of by a Minister of the Crown. The noble Lord's principle was this. They owned all these lands; no settler, therefore, could obtain a grant of land fairly from the Crown. If a person proposed to go out of this country, not to Auckland or other part less disturbed, and asked a grant of land from the Crown, he would not obtain it, because he would be told nearly all of it belonged to the savage tribes. But, then, there was another way which had been pointed out; it was, that there should be a mediation—that the Commissioner, Mr. Spain, should mediate between those savage tribes and the New Zealand Company or their settlers. Now, if that was to be an award in the way in which it was usually understood—that there were arbitrators to be appointed, that the two parties asked these arbitrators to decide between them, and agreed that their award should be final, that would afford some ground for thinking that there might be a settlement of the question; that might induce some people to say, on looking over the map of the world, "I won't go and settle in Canada; I won't go and settle in South Australia or Port Louis; but I will try my fortune in New Zealand." But when they came to ask, however, what this was, they would be told that the arbitrator was to decide that a certain sum, say a sum of 300*l.*, was to be paid to certain savage tribes for so much land; but after he had decided this, the noble Lord said, "I must be fully satisfied that these savages are content with that award!" And every-

body knew how difficult it was to satisfy their minds. The House knew that after Mr. Commissioner Spain had made certain of these awards, they were not accepted by the Government. They knew that various tribes had different claims. One head of the tribe came and received a certain sum of money, and said, "I am satisfied;" but presently came another chief, and said, "That tribe had no right whatever, because I invaded that territory; I destroyed, I murdered, the father and mother, the brothers, and sisters of that chief; and, therefore, I have the preferable claim, and it is me you are to satisfy." Then there would be fresh objections again, and no settler would have the least security, or the least foundation to go upon, that any of the land would be granted to him according to that award. Well, then, with regard to that question which he had just mentioned to the House, was not the case this—that any persons in this country, instead of going either to the New Zealand Company or to the Government, or to the Emigration Commissioners, and saying, "I should like to go out, and 300 men with me, and I should take some capital with me, and here are ten or fifteen others who have considerable capital who will go with me, and we hope to form a flourishing settlement in New Zealand;" instead of saying that, would they not go to the Emigration Commissioners and say, "Can you tell us how we can get land in Canada West, or Canada East, or South Australia, or Van Diemen's Land, or Port Philip; only of all places, I will not buy land in New Zealand? There is no confidence to be placed in the Government which is there established. There is no confidence to be placed in the instructions of the Colonial Secretary." Would that or would it not be the fact for a considerable period to come? Is not this a fact worthy the consideration of the House? I can conceive Captain Grey disregarding his instructions, and, in a better spirit than was manifested at home, determine not to carry them out—although he knew that this might be attended with his recall—but in a patriotic spirit would act so as to secure the welfare of the Colony, and as his judgment would dictate to him, to arrest the mischief which threatens it. He must treat the natives with kindness; but not in a way to appear to be frightened into submission to them; he must prevent any acts of oppression towards them; he must also treat the settlers with kindness and protect their rights. For them, and for the promotion of their interests, he is bound to sacrifice his time, his reputation, and, if necessary, his life. It is certainly possible that Captain Grey, acting with great judgment, and condemning the proceeding of the Secretary of State, and acting as a friend to the islands of New Zealand, may be the instrument of saving the Colony. But this is a chance which we have no right to expect. Well, then, what is the question before the House? Is it a question solely as to New Zealand, and is the House to act at once on its own unbiassed opinion, and as persons out of doors act, quite irrespective of party considerations? If this should be the case, the House will at once say that the policy pursued towards New Zealand is monstrous, and must be abandoned. But, when we come to consider this question here, it is treated as a question of party politics; and when the right hon. Baronet says that he identifies himself with the Secretary of State, and calls upon the House to concur with him, no doubt New Zealand will be sacrificed, and party interests will be regarded. But the time will come when the right hon. Gentleman will be obliged to change his policy with respect to this Colony, as he was obliged to change it with regard to matters nearer home. I recollect that the noble Lord, whose conduct I now call in question, was instrumental in bringing in a Bill intended to affect the government of a most important part of the Empire, and which dealt with the elective franchise for that purpose; and by his plan the whole of the people were to be placed at the mercy of a small part of the landlords. This was the great measure of his policy towards that part of the Empire, and it was your policy then to support him. Did you persevere in this policy? The right hon. Gentleman, when he came into office, said that such a measure would be most unjust, and that he would not sanction a measure of such injustice; although he had formerly supported it. As for the taunts with respect to New Zealand, the change of policy may not come so soon. The subject may be trifled with for some time, as there will not be vast multitudes assembled, such as affected your policy towards another part of the kingdom; but, depend upon it, the time will come when the right hon. Gentleman, acting on the convictions of his own mind, will determine not to sacrifice an important Colony to feelings of pique

and pride; but will resolve that New Zealand must be governed according to the principles of common sense. But, in the mean time, you expose the Colony to the greatest risks; if you agree to-night, that nothing shall now be done, you will impose the task on individual Members to bring Motions forward on this subject, till the House is prepared to act in a better spirit, and then the Colony of New Zealand will expand in a way which many of its most ardent friends did not contemplate.

Mr. *G. W. Hope*, in explanation, said that on the first occasion that he had addressed the House, he stated distinctly that one of the grounds of Captain Fitzroy's recall was his conduct — his want of firmness — towards the natives in the first proceedings in the Bay of Islands in September last.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 155; Noes 89: Majority 66.

List of the AYES.

A'Court, Capt.
Acton, Col.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Baillie, H. J.
Baird, W.
Baldwin, B.
Baring, T.
Baring, rt. hon. W. B.
Benbow, J.
Bentinck, Lord G.
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bradshaw, J.
Bramston, T. W.
Brisco, M.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H.
Buller, Sir J. Y.
Bunbury, T.
Cardwell, E.
Carew, W. H. P.
Chapman, A.
Chelsea, Visct.
Cholmondeley, hon. H.
Chute, W. L. W.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, J. D. S.
Duckworth, Sir J. T. B.
Duncombe, hon. O.
East, J. B.
Eastnor, Visct.
Egerton, W. T.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Filmer, Sir E.
Fitzroy, hon. H.
Flower, Sir J.
Forman, T. S.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greene, T.
Grimston, Visct.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, W. J.
Hamilton, Lord C.
Harris, hon. Capt.
Herbert, rt. hon. S.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hotham, Lord
Holdsworth, T.
Hussey, A.
Hussey, T.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jones, Capt.
Kemble, H.
Lefroy, A.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lowther, Sir J. H.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Manners, Lord C. S.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neeld, J.
Neville, R.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Northland, Visct.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Pringle, A.
Pusey, P.
Rashleigh, W.
Richards, R.
Rolleston, Col.
Round, J.
Rous, hon. Capt.
Sanderson, R.
Sandon, Visct.
Seymour, Sir H. B.
Smith, A.
Smith, rt. hn. T. B. C
Smythe, Sir H.
Somerset, Lord G.
Spooner, R.
Spry, Sir S. T.
Sturt, H. C.
Taylor, E.
Thesiger, Sir F.
Thornhill, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Vernon, G. H.
Vesey, hon. T.
Wellesley, Lord C.
Williams, T. P.
Wood, Col. T.
Wortley, hon. J. S.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Anson, hon. Col.
Baring, rt. hon. F. T.
Barnard, E. J.
Berkeley, hon. Capt.
Bernal, R.
Blake, M. J.
Bouverie, hon. E. P.
Bowes, J.
Bowring, Dr.
Brotherton, J.
Byng, rt. hon. G. S.
Christie, W. D.
Clay, Sir W.
Cobden, R.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collett, J.
Denison, W. J.
Denison, J. E.
Dennistoun, J.
Duke, Sir J.
Duncan, G.
Dundas, Adm.
Dundas, F.
Esmonde, Sir T.
Fielden, J.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Forster, M.
Gibson, T. M.
Grosvenor, Lord R.
Hastie, A.
Hawes, B.
Hill, Lord M.
Hindley, C.
Hollond, R.
Howard, P. H.
Howard, Sir R.
Hume, J.
Hutt, W.

Lemon, Sir C.	Russell, Lord E.
Leveson, Lord	Seymour, Lord
Macaulay, rt. hn. T.B.	Sheil, rt. hon. R. L.
McTaggart, Sir J.	Shelburne, Earl of
Mangles, R. D.	Smith, J. A.
Marjoribanks, S.	Somerville, Sir W. M.
Mitcalfe, H.	Stewart, P. M.
Mitchell, T. A.	Strickland, Sir G.
Moffatt, G.	Tancred, H. W
Morris, D.	Tollemache, J.
Muntz, G. F.	Tower, C.
Napier, Sir C.	Troubridge, Sir E. T.
Norreys, Sir D. J.	Tufnell, H.
O'Connell, M. J.	Turner, E.
Ogle, S. C. H.	Villiers, hon. C.
Paget, Col.	Wakley, T.
Paget, Lord A.	Walker, R.
Palmerston, Visct.	Warburton, H.
Plumridge, Capt	Ward, H. G.
Ponsonby, hn. C.F.C.	Wawn, J. T.
Protheroe, E.	Wilde, Sir T.
Pulsford, R.	Williams, W.
Roebuck, J. A.	TELLERS.
Ross, D. R.	Ingestre, Visct.
Russell, Lord J.	Buller, C.

Main Question put and agreed to.

Order of the Day for the House to go into a Committee of Supply read, and the Committee deferred.

House adjourned at a quarter after one.

HOUSE OF LORDS,

Thursday, July 24, 1845.

MINUTES.] *Sat First*—The Lord Churchill, after the Death of his Father.

BILLS. *Public.*—1ª. Stamp Duties; Coal Trade, Port of London; Fees, Criminal Courts; Testamentary Disposition; Militia Pay; Lunatics; Lunatic Asylums and Pauper Lunatics.

2ª. Lunatic Asylums and Pauper Lunatics; Commons' Inclosure; Merchant Seamen; Lunatic Asylums (Ireland); Fisheries (Ireland); Drainage (Ireland); Unclaimed Stock and Dividends; Spirits (Ireland); Excise Duties on Spirits (Channel Islands).

Reported.—Geological Survey.

3ª. and passed:—Art Unions; Unlawful Oaths (Ireland); Turnpike Acts Continuance; Militia Ballots Suspension; Colleges (Ireland).

Private.—1ª. Duddeston and Nechells Improvement; Darby Court (Westminster); Manchester and Leeds Railway; London and Croydon Railway Enlargement; Grimsby Docks.

2ª. Gravesend and Rochester Railway; South Eastern Railway (Greenwich Extension); Rothwell Prison.

Reported.—Irish Great Western Railway (Dublin to Galway); Severn's Estate; Yoker Road (No. 2); Shrewsbury and Holyhead Road.

3ª. and passed:—Cromford Canal.

PETITIONS PRESENTED. From Magistrates and others, of Ayr, for Adopting certain suggestions relating to the Poor Law Amendment (Scotland) Bill.—From Trustees of Tewkesbury Severn Bridge and Roads, praying that the Exemption granted to Carriages and Horses conveying the Mails in the General Turnpike Acts may be repealed.—From Tottenham, for the re-insertion of a Clause in the Field Gardens Bill.

GUILDFORD AND CHICHESTER RAILWAY.] The Duke of *Richmond* presented petitions from the promoters of the Guildford, Chichester, and Portsmouth Junction Railway Bill, complaining that they had not been allowed a hearing by the Select Committee of their Lordships' House, now sitting on the Portsmouth Railway projects. There had been three Bills referred to one Committee; and the petitioners complained that they were not allowed by the Committee to be heard against the Atmospheric, or Direct Portsmouth Line. He begged to move that the petition be referred to the Committee for consideration.

The Earl of *Hardwicke* said, the Committee were anxious to discuss the case in all its bearings, and with the most mature deliberation; but having found a clause in one of the Bills consenting to a junction between the petitioners' line and another line, the Committee felt that they had no alternative but to act as they had done; as otherwise they would be permitting the petitioners to oppose what might be regarded as their own line.

Lord *Brougham* said, he thought the House ought to feel great delicacy in interfering with any of their Committees, while the inquiries which those Committees were delegated to make were still pending. But after the Report of a Committee was presented, it would, of course, be quite open to any noble Lord to bring forward a Motion on the subject of the manner in which that Committee had discharged its duties, and to require that the Report be sent back for reconsideration.

The Earl of *Ellenborough* said, he had intended to express the precise opinion which had fallen from his noble and learned Friend. He did not think any discussion should take place on the subject of the petition, until the Committee had made their Report.

The Duke of *Richmond* said, he had only moved that the petition be referred to the Committee. He felt so strongly on the necessity of no party being decided against without a hearing, that he would be under the necessity of moving that the Report be recommitted, should the Committee persevere in not permitting the petitioners to be heard.

Petitions read, and *referred* to the Select Committee on the Bills, but without leave to be heard.

IRISH GREAT WESTERN RAILWAY BILL—PRIVILEGE.] Earl *Bathurst* brought forward the Report of the Select Commit-

tee appointed to inquire into the charges brought against the Irish Great Western (Dublin and Galway) Railway Company. The Committee reported that they had met and considered the petitions which had been referred to them, and had heard counsel, and had examined witnesses in support of the allegations in the said petitions; and upon a perusal of the minutes of evidence, and a consideration of the whole case, the Committee were of opinion, that most systematic frauds had been used for the purpose of obtaining the necessary number of signatures to the subscription contract; that no attention appeared to have been paid to a proper distribution of the letters of allotment; that unauthorized names had been inserted in the contract, and false addresses given; and that packets of letters were proved to have been sent down to country postmasters, being applications for shares, with a request that they might be returned to London through the Post Office. It also appeared that a petition was presented to the House of Commons, but it was not prosecuted; a sum of 250*l.* being paid down to the petitioners, with a promise of a further sum of 500*l.* on the Bill passing the Standing Orders' Committee. Sufficient evidence was also produced to satisfy the Committee, that the subscription contract was not entered into *bonâ fide*, and the estimated cost of the undertaking was a false one. The Report concluded by stating, that the result of their inquiry had induced the Committee to express their entire concurrence in the Report of another Select Committee of their Lordships' House, that the decision come to by the House of Commons last Session, reducing the amount of deposit money required, had the effect of facilitating the commission of fraud; and that the Committee had, under these circumstances, not thought it necessary to proceed with the consideration of all the allegations contained in the petition of James Pim, jun., or to inquire into the merits of the Bill, without further instructions from the House.

The Earl of *Besborough* said, the Report was a very peculiar one; and he thought it better to give Notice respecting it, that he would move to-morrow (this day) that the Bill should not be further proceeded with.

Report ordered to be considered to-morrow; and Notice of Motion given—

"That the further consideration of the Bill be postponed for three months."

Lord *Brougham*: I have now to state to your Lordships — having lately brought before you a case in connexion with the privileges of this House—that I have seen a statement, giving an explanation on the part of the newspaper in question, which certainly greatly confirms me in my opinion, that your Lordships ought not to proceed against the editor or printer of that newspaper; and my noble Friend, the noble Earl opposite (the Earl of Wicklow), will forgive me for saying, that there was a misunderstanding with respect to my having ever intimated the propriety of that course. He and I agree on the question of privilege on the whole; and he would also agree with me on the propriety of rather leaving me, as the aggrieved party, to proceed at law by criminal information, if I might so choose. It is quite clear that I might do so, the paper having undoubtedly published a libel: and even if that which the paper stated to have passed in the House of Commons had passed there, that would be no justification whatever for the publication. Therefore, both my noble Friend and myself would have declined calling the parties to the bar of this House, for the purpose of punishing them for a breach of privilege. But I have to add, that it now appears a statement has been made by the same party, in the same paper, and in another paper also, against which it would have been my duty likewise to proceed, if I had proceeded against any paper, namely, the *Morning Chronicle*, for it has published the same speech, or pretended speech, *verbatim*, in the same words. I should, therefore, have proceeded against both papers, or against neither. But I have since seen a speech, or statement, in both these papers, purporting to be made by the same individual Member of the other House of Parliament who was represented to have made the unjustifiable speech—a speech which no person endeavours even to extenuate. That Member is made to say, in the same paper—and I have no doubt with his entire concurrence and consent, and I am therefore bound to believe it—that what he said, or rather, I should say, what he is represented to have said, was under an entire misapprehension of the facts; that he was not present in the Select Committee of your Lordships' House, as, of course, he could not be; and that he was misled

by the reports which had reached him, and by not knowing that the questions put to the witnesses were the questions suggested by the petitioner. But the question of which he so much complained was a perfectly justifiable question, and it imputed no kind of impropriety to him, but merely referred to his having been canvassed for on some other occasion, for some other situation or appointment. It also appears in this statement, that, in alluding to the suppression of evidence, he did not refer to Mr. Parkes at all, but to some other persons; though that, too, must have been under a total mistake, as no evidence had been suppressed, every word given in evidence having been reported and printed, except what had been stated by Mr. Parkes, and which was not evidence at all. The same individual is stated to say—and I believe correctly to say—that he was exceedingly sorry he had given any pain to any individual, alluding to me; but I am sure the only pain the words gave me, was the pain of being obliged to talk before your Lordships of a subject connected with myself; for never could there be anything so absurd as the charges made. As it would appear that he had been under a total misapprehension of the matter, and exceedingly sorry that any pain should have been given to me, I am quite sure, such being the case, that I may anticipate the decision to which your Lordships are likely to come; and I would, therefore, wish to suggest, whether it would not be better not to discuss farther the question as to whether this be a breach of privilege or not, but rather to proceed no farther with it. My opinion is, that you ought never to proceed with questions of privilege of this nature; but that even such of your Lordships as differ from me as to the length to which I would carry this principle, will, I believe, under the circumstances of the case, and allowing for the great irritation of the party, concur in the course which I now recommend, of not proceeding farther in it, leaving it, of course, still open to me to prosecute the parties by a criminal information if I please—that is, the parties who published this libellous attack; because it is no protection to them to say that the words were spoken in Parliament, even if they had been spoken there, which I do not say was the case. The Member in question is stated to have said, that having seen a statement in a newspaper, of his having made a speech somewhere, he admitted the correctness of the report, because he had himself taken a note of what he had said—which note he must have taken after the speech was made; because it was added that he had stood up to speak wholly unprepared with what he was to say—and that he had afterwards compared this note with what had been published in the newspapers. He found his own note and the newspaper account fully to tally. No doubt he did. I am quite sure they tallied. Unless there happened to be an error in the press, they were sure to tally. And I will tell also of another tally. The *Times* and the *Morning Chronicle* have been compared in this matter; and they, too, have tallied precisely in words. There is, therefore, I think, no doubt of how the speech got into the newspapers. Now, one word more. I must say that I take for granted that this statement, as the newspapers represented it, was not at all the statement made elsewhere. I am bound to conceive that such "privilege" authorities as the House of Commons—holding, as they appear to do, the doctrine of privilege so highly—could never have allowed anything of that kind to have been uttered in their presence, if they had heard it. But still less can I imagine that that House could have allowed hours to have passed away next day, after having read, as of course they must, what had been printed in the newspapers, as having been said in their presence; and, therefore, I cannot, for the life of me, believe for one moment that the newspaper account—pretending to be an account of what passed in the other House last night—is true; that nobody had got up to complain of what was printed as having been spoken in their presence, and which was admitted to be the grossest libel—until rather latish in the day, when the party himself stood up, and made his statement. I take it for granted, the House of Commons, on seeing what had been published, would, for its own protection, and out of common courtesy to your Lordships, have at once taken notice of it. I cannot conceive the House of Commons to have acted otherwise; and I cannot believe that it acted in the way in which it was this morning represented to have acted, One word more, and I close my speech. One of the papers which published the libel, and which is now liable to prosecution for having done so—the *Morning Chronicle*—is pleased to say this morning, by way, I suppose, of making their conduct appear

better, that though I rendered a great service to the public, with the help of your Lordships—for some little credit is really attributed to your Lordships—in throwing out the Dublin and Galway Railway Bill, which they suppose I have done, yet that I was greatly to be reprobated for the manner in which I did it; for that, being a judge in the case, I had prejudged it, before I acted upon the Committee that reported against it, and threw it out. It is a gross slander—a gross breach of privilege—to make such an assertion. I do not apply against the newspaper for saying so. I leave it in your Lordships' hands to decide whether you will choose to enforce your Lordships' privileges consistently in every case, to use it now and then, by way of relaxation. Now, I was not a Member of the Committee on this Bill; I could not, therefore, have prejudged the Bill. I had nothing whatever to do with it. I never gave an opinion one way or another upon it; and, for all these slanderers knew, I may have been in favour of it. It is not only not true that I got the Bill thrown out; but the Report was not even made, and the Bill is actually not yet thrown out. So much for the slander, that I had prejudged the Bill, and had got it thrown out of your Lordships' House; and so much for the value of contemporary history. I hope I may be allowed to say one word on these railway jobs. Every hour I live convinces me more and more, that Parliament will have a duty imposed upon it next Session to clear and protect itself, and to protect the public against these railway schemes. Members of Parliament ought to know—in this House they do know—but all Members of Parliament ought to know, that if a man is interested, directly or indirectly, in any railway, or in any other Private Bill, he is the last man in Parliament who ought to vote upon it, either in the Committee, or in the House. My Orders, as they are called—or the Orders that I succeeded in inducing your Lordships to adopt in 1837, respecting the Committee of Five—had introduced the greatest practical reform and improvement in this department; and it was one of these Orders which has had the greatest practical use, viz., that no Peer shall have anything to do with any Bill, either in Committee or in the House, with which he has any connexion whatever. I hope the same rule is adopted elsewhere; and I am sure it is only a rule which common justice would suggest, that men ought not to be judges and parties at the same time.

The Earl of *Wicklow* said, now that the question had been most happily set at rest, he felt obliged to make a remark with respect to the construction that had been put upon what had fallen from him on the last evening when the subject had been before the House. His object in suggesting that the editor and printer of the newspaper be called to the bar, was not for so unjust and unconstitutional a proceeding as to call the printer or reporter to the bar, and ask them about the accuracy of the report, with a view to punish them for a breach of privilege, when they had been made to criminate themselves; but his intention was to give his noble Friend an opportunity of changing the whole proceedings from a question of privilege into one for the decision of a court of criminal jurisprudence; and if the question had not been settled in a satisfactory manner that evening, he would have persisted in moving that these parties be called up for the purpose of getting such evidence from them as would have enabled his noble Friend to clear his own character elsewhere. He begged to add, with respect to the responsibility of editors and reporters, that he considered it would be the grossest injustice and the most unprovoked cruelty, if, after allowing these parties to take and publish accurate reports of speeches made in Parliament, they should afterwards hold them amenable for a breach of privilege for doing so. He begged to assure the noble Duke (the Duke of Wellington), that in requiring the parties connected with the newspaper to be brought up, it was with no intention of requiring them to criminate themselves.

Lord *Monteagle* said, he could not but think it was necessary to come to some new arrangement with regard to railway deposits. There was also a practice of examining witnesses before they were sworn, and swearing them on the following day in the lump to all they had been examined about the day before. He thought this system was very objectionable; but it was nevertheless a course of proceeding ~~which~~ prevailed to a great extent in the Committees of that House.

The Duke of *Wellington* thought it was a subject which deserved consideration, and it should be represented in the proper quarter.

The Earl of *Devon* was of opinion that

the Committees should have the power of administering the oath.

Lord *Campbell* suggested that such an act might also empower the House of Commons to administer an oath, and might abolish the absurd rule which prevented so many Bills from originating in the Upper House.

ADDRESS TO HER MAJESTY—THE NEW HOUSES OF PARLIAMENT.] Lord *Brougham*, pursuant to notice, rose to move that an humble Address be presented to Her Majesty, praying that She would be graciously pleased to give the necessary directions for having the New House of Parliament ready for the reception of this House at the beginning of the next Session. Nothing could exceed the suffering they endured in the morning sittings, sometimes from the heat, and at other times from the cold. Two or three thousand pounds expended in temporary fittings would enable their Lordships to occupy their new House by next Session.

Lord *Wharncliffe* said, that there would be great inconvenience in acceding to the Motion of his noble and learned Friend. It was impossible that the ventilation of the new House could be completed by the next Session; added to which workmen would be employed all around them, and the noise from the chipping of stones and other operations would be very great. He doubted, therefore, whether the new House, with the proposed temporary fittings, would be as convenient as the present.

Lord *Campbell* thought if they waited the convenience of Mr. Barry, he would put off till the Greek kalends the day of their assembling in the new chamber. He had suffered severely in his health from the unwholesomeness of the present house. He would beg to remind their Lordships of what they suffered during the three nights of the Maynooth debate. It was quite unnecessary that they should suffer so much inconvenience, as it appeared, from the evidence given before the Committee, that the House might be easily got ready by next Session.

The Duke of *Wellington* was sorry that the noble and learned Lords, for whose services they were so greatly indebted, suffered so much inconvenience in consequence of the new House not being completed; but he would beg their Lordships to recollect that the House of Lords was not the only consideration, but it was the chamber of Parliament, and there must be easy access for Her Majesty, and convenient communication between the existing House of Commons and the new building.

Lord *Campbell* said, Mr. Barry had told him that there would be no difficulty in getting the temporary fittings ready for the accommodation of Her Majesty by the next Session.

Lord *Sudeley* was aware of the inconvenience experienced in the morning sittings; but he did not think they would be better off if they were placed in the new building before it was sufficiently finished and warmed. It would be injurious, in his opinion, to press the matter for one year, if in the course of the following year they could get in with comfort for a permanency.

The Earl of *Wicklow* supported the Motion. He thought they would not get into the new House for the next five years unless it was adopted. The objection as to the noise of the workmen was of little moment, as they must leave work in the winter months before their Lordships would commence their sittings, and in the summer they ceased working at six o'clock.

Lord *Brougham*, in reply, said there was no probability that the law Lords who had occasion to sit in the early part of the day would attend to the masons when they were hearing counsel; the walls of the new House would, in fact, be so thick that they would not hear anything which took place outside. If there was any question about the accommodation for Her Majesty being complete, he had no doubt that illustrious lady would be pleased to open and prorogue Parliament by Commission for one year. He could not understand why the noble Lord (Lord Wharncliffe) objected to the Motion, unless there was something behind which they could not comprehend—unless it was contemplated in some high quarter to make the Houses of Parliament subservient, not only to legislative, but pictorial purposes. Now, ornament was an excellent thing, but business was of greater importance. He should certainly divide the House upon his Motion.

On Question, House divided:—Contents 16; Non-contents 40: Majority 24.

Resolved in the *Negative*.

LUNATIC ASYLUMS AND PAUPER LUNATICS BILL.] Lord *Wharncliffe* moved that this Bill be now read 2ª. His Lord-

ship passed rapidly over the clauses of the Bill; and said, that as to the objection that the county would have to pay the expense, the House of Commons represented the ratepayers, and they had passed the Bill; and he was convinced that under this Bill the expenses would be reduced fully one-half. There was an opinion amongst some of their Lordships that the Bill should be referred to a Committee up-stairs; but, if that were done, what hope could there be of the Bill passing this Session? Several counties were waiting for the passing of the Bill, and the delay would be very injurious. He therefore earnestly recommended their Lordships to read the Bill a second time.

The Duke of *Richmond* admitted that a Bill of the sort was much required, but he objected to the present, because it was a very bad measure. He, therefore, wished to refer it for amendments, in the first instance, to a Select Committee. He did not know why this anxiety for legislation had come upon the Government so suddenly; why did they think that these pauper lunatic asylums were necessary, when they themselves sent all the old lunatic sailors from Greenwich Hospital to Warburton's, at Bethnal-green, where they were well taken care of. He also resisted that part of the Bill which threw the whole expense upon the county-rates, by which they would be greatly augmented. He should have been glad to have seen a portion charged upon the owners, and not entirely upon the occupiers of the soil. To refer it to a Select Committee would rather promote the passing of the measure, when it was fit to become law. After the second reading he should move that it be referred to a Select Committee.

On Question, *Resolved* in the *Affirmative*. Bill read 2ª.

The *Lord Chancellor* suggested that the farther proceeding on the Bill should be deferred, as a message was waiting from the Commons, in order to procure the expunging of a clause which had, accidentally and erroneously, been inserted.

After a remark from Lord *Beaumont*, on the disadvantage of hasty legislation,

The Message from the Commons was brought up, requesting their Lordships to expunge a clause in press 126, which had been erroneously inserted in the engrossment of the Bill, the same not forming part of the Bill as passed by the Commons.

Messengers informed that the Lords would send an answer by Messengers of their own.

A short discussion then took place as to the regular course of proceeding, and Lord *Cottenham* suggested that the Bill ought to be sent back to the Commons, that they might make their own Amendments.

The *Lord Chancellor* referred to a case which he said was precisely in point, and occurred in 1836, when the Commons requested the expunging of a proviso wrongly inserted in the engrossment of the Marriages Bill. The proviso was accordingly expunged without sending the Bill back to the Commons, and then the Bill, as amended, went through its various stages. The Marriage Bill was then in the same stage as the Bill now before the House.

The Earl of *Devon* said, that the case of 1836 was then a new precedent, different from the mode of proceeding in any former instance.

The *Lord Chancellor* added a reference to a case in 1803, which had been quoted and relied upon by Lord Melbourne in 1836, when what was now proposed by the Commons had been done. The other course would be attended with much inconvenience.

Lord *Cottenham* still recommended that the Bill be sent back to the Commons as the more regular course of proceeding.

Lord *Wharncliffe* moved—

"That the Proceedings already had in the said Lunatic Asylums and Pauper Lunatics Bill be vacated, inasmuch as it appears, by the Message of the Commons of this Day, that the Bill as sent up to this House was not the Bill which had been agreed to by the Commons."

The said Motion was *agreed to*; and ordered accordingly; and the aforesaid clauses were ordered to be expunged; and a Message was sent to the House of Commons, to acquaint them therewith.

Then the Bill was read 1ª.

COMMONS' ENCLOSURE BILL.] Lord *Stanley*, in moving the Second Reading of this Bill, shortly stated its objects, and expressed the hope that late as it was in the Session, looking to the full investigation the subject had undergone elsewhere, and to the difficulty of passing a Bill of one hundred and fifty clauses through the other House, amidst the mass of other business, their Lordships would assent to the second reading, and not render it necessary to renew in another Session a measure which had been so fully discussed.

Earl *Fitzhardinge* expressed his regret that the Bill should have been introduced so late in the Session. He did not say that the Bill was without value; but there were defects and objections in its details which ought to receive the consideration of the House, and he wished particularly to direct their Lordships' attention to the 151st Clause, giving retrospective powers to the Commissioners to reopen any former award, and alter any allotment, the lapse of time being no bar to their proceedings. A great deal of injustice might result from such a power, and he hoped the subject would receive special attention in Committee. He thought, moreover, that the Bill ought to be referred to a Select Committee.

Lord *Stanley* explained that, although the Commissioners were to be clothed with the power the noble Earl had pointed out, yet, as provided by the 153rd Clause, it could not be exercised without the consent of three-fourths in number or value of the parties interested.

Earl *Fitzhardinge* inquired if the Bill could not be referred to a Select Committee?

Lord *Stanley* feared that at this late period of the Session he could not consent to the wish of the noble Earl, but he would be happy to confer with the noble Earl privately, when, perhaps, he might be able to remove his objections.

The Bill was then read a second time.

House adjourned.

HOUSE OF COMMONS.

Thursday, July 24, 1845.

MINUTES.] BILLS. *Public.*—1°. Apprehension of Offenders.

2°. Stock-in Trade; Court of Chancery.

Reported.—Small Debts (No. 3); Municipal Districts, etc. (Ireland); Real Property (No. 1); County Rates.

3°. and passed:—Compensations; Coal Trade (Port of London).

Private.—3°. and passed:—Grimsby Docks; South Eastern Railway (Branch to Deal and Extension of the South Eastern, Canterbury, Ramsgate, and Margate Railway); Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester and Grand Junction Railway Companies Amalgamation; Morden College Estate; Gildart's (or Sherwen's) Estate; Lord Monson's Estate; Hawkins's Estate.

PETITIONS PRESENTED. By Mr. Vesey, from Grand Jury of Queen's County, assembled at the Summer Assizes, 1845, for Alteration of Assize Circuits (Ireland).—By Mr. M. J. O'Connell, from Members of Loyal National Association of Ireland, for Postponement of Bills relating to Ireland.—By Mr. M. J. O'Connell, and the O'Connor Don, from a great number of places, against Colleges (Ireland) Bill.—By Mr. M. J. O'Connell, from Richard Sealey Grannell, late an Officer in Her Majesty's Customs, London, for Inquiry into his Case.—By Sir Thomas Wilde, from William Henry Rochfort, for Alteration of Law relating to Insolvent Estates.—By Sir C. Lemon, from St. Mawes, and Falmouth, for Protection of Oyster Fishery.—By Sir R. H. Inglis, from Clergy and others of Sussex and Cornwall, for Alteration of Parochial Assessments Act.—By Mr. M. J. O'Connell, from Members of Loyal Repeal Association of Ireland, against Removal of Paupers (Scotland and Ireland) Bill.—By Mr. F. Scott, and Mr. Smollett, from Trustees of several Turnpike Roads, against Turnpike Roads (Scotland) Bill.—By Mr. M. J. O'Connell, from Members of the Loyal National Assoctation of Ireland, for Postponement of Valuation (Ireland) Bill.

The House met at twelve o'clock.

COAL TRADE (PORT OF LONDON).] On the Motion of the Earl of *Lincoln*, the Coal Trade (Port of London) Bill was read a third time.

On the Question that the Bill do pass,

Sir *James Duke* moved the introduction of the following clause:—

"Be it enacted, That, from and after the 31st day of December next, there shall be allowed upon the exportation from the Port of London, westward of the City boundary on the River Thames at Staines, of coals exceeding in quantity in one barge, lighter, or other vessel, twenty tons, which shall not have been landed, a Drawback of the full amount of all the Rates or Duties which shall have been paid in respect of such Coals, subject however to such rules and regulations as may from time to time be made by the Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, to prevent fraud in respect of such Drawback, such rules and regulations to be approved of by the Committee of Her Majesty's Privy Council for managing the Affairs of Trade; and if the master of any vessel, or any coal weigher, shall, in any certificate or otherwise, state any circumstance which is not true, for the purpose of enabling the owner of such Coals or his agent, to obtain any such Drawback as aforesaid, or if any lighterman or other person employed to carry such Coals to their destination westward of the City boundary on the River Thames at Staines, shall not deliver the whole quantity of such Coals at some place to the westward of the said boundary, every such master or coal weigher, lighterman, or other person, so offending, shall for every such offence forfeit and pay any sum not exceeding one hundred pounds."

He thought that the great expense to which the inhabitants residing to the westward of the city boundaries were subjected for the conveyance of coals from the port of London, amounted to as much as the whole freight from Newcastle to London. He would be one of the last persons to hinder or lessen the revenues of the country; but in this instance he was sure that the introduction of this clause would increase commerce, and promote the prosperity of the city of London. Under these circumstances,

he trusted the noble Lord would give the clause his favourable consideration.

Clause brought up and read a first time.

On the Motion that it be read a second time,

Mr. *Hume* seconded the Motion with pleasure. Coals that were unloaded in the Port and transmitted to the eastward of London, were allowed a drawback on the duty, and all they wanted was to put the inhabitants of the west end on the same footing as those at the east, and being such, he did not think the Government could offer any opposition to it. In his opinion, it was of the greatest importance to give all possible facility to the coal consumption, which trade was the great nursery of British seamen, and every restriction that was removed from the trade would tend greatly to encourage it. The Government had admitted the necessity for the removal of all possible restrictions from that trade, and he hoped that when the Government saw the great danger that trade was in of entire annihilation from the competition of railways, the Government would see the necessity of conceding this slight boon.

Sir *G. Clerk* could not consent to the introduction of the clause. Although he was perfectly aware that some decrease had taken place in the Greenland, South Sea, and coasting trades in the last few years, still the prosperity of the general trade had increased so much that he was sure there was not the slightest diminution in the amount of tonnage, or in the number of seamen employed during the past year. If they admitted the principle of allowing the drawback on coals carried to Staines, it would be necessary to allow it also on coals carried by canal, and they had no legal means of preventing those coals from being afterwards carried back into the city boundaries.

Mr. *Forster* supported the second reading of the clause. He thought that every encouragement should be given to the extension of our coal trade by sea, instead of hampering it by a continued increase of duties.

Mr. *Stuart Wortley* maintained that the allowance of the drawback would not present any difficulty that could not easily be surmounted.

The Earl of *Lincoln* resisted the clause, on the principle that the creditors of the coal-duty fund would suffer materially by permitting the drawback, and that it would be a breach of faith to them to do so without their concurrence. If the hon. Member were to carry this clause, the Government ought to permit the like drawback on coals carried by the Paddington Canal, the Grand Junction Canal, and the river Lee, and as that would be a serious interference with the revenues of the city of London, he should feel it his duty to object to the clause. He would advise the hon. Gentleman to withdraw the clause, and bring in a separate Bill next Session.

Mr. *Wakley* hoped the present discussion would be a lesson to the House how they again imposed taxes upon the necessaries of life on a promise that they should soon be got rid of again. Fuel was as great a necessary of life as food, and the increase in the price of that article, after leaving the hands of the wholesale dealer, and before it reached the cellars of the poorer classes, was not to be believed.

Mr. *Muntz* thought it extremely absurd that the duty should not be imposed on the continental consumer, and yet impose it on the consumer at home.

The House divided on the Question, that the clause be read a second time:—Ayes 24; Noes 37: Majority 13.

List of the AYES.

Baine, W.	Muntz, G. F.
Bowes, J.	Norreys, Sir D. J.
Brotherton, J.	Ogle, S. C. H.
Duncan, G.	Palmer, R.
Egerton, W. T.	Rous, hon. Capt.
Escott, B.	Somerville, Sir W. M.
Esmonde, Sir T.	Tufnell, H.
Ferguson, Sir R.	Wakley, T.
Fitzmaurice, hon. W.	Wawn, J. T.
Forster, M.	Wortley, hon. J. S.
Grosvenor, Lord R.	
Hutt, W.	TELLERS.
Liddell, hon. H. T.	Hume, J.
Mitcalfe, H.	Duke, Sir J.

List of the NOES.

Baird, W.	Graham, rt. hn. Sir J.
Baring, rt. hon. W. B.	Greene, T.
Bentinck, Lord G.	Hamilton, C. J. B.
Blackburne, J. I.	Hamilton, G. A.
Bowles, Adm.	Herbert, rt. hon. S.
Broadley, H.	Hussey, A.
Bruce, Lord E.	Jermyn, Earl
Buller, Sir J. Y.	Jones, Capt.
Cardwell, E.	Kemble, H.
Clerk, rt. hon. Sir G.	Lincoln, Earl of
Cripps, W.	Lowther, Sir J. H.
Fitzroy, hon. H.	Mackenzie, W. F.
Flower, Sir J.	Masterman, J.
Fremantle, rt.hn.SirT.	Meynell, Capt.
Fuller, A. E.	Patten, J. W.
Gaskell, J. Milnes	Peel, J.
Goulburn, rt. hn. H.	Polhill, F.

Smith, rt. hn. T. B. C.	TELLERS.
Spooner, R.	Young, J.
Wellesley, Lord C.	Lennox, Lord A.

Mr. *Hume* then moved, that the clause imposing the 1*d.* tax be struck out, as the faith of Parliament was not pledged to that.

The Earl of *Lincoln* opposed the Amendment.

The House again divided on the Question, that the words proposed to be left out stand part of the Bill:—Ayes 41; Noes 24: Majority 17.

List of the AYES.

Baird, W.	Greene, T.
Baring, rt. hn. W. B.	Hamilton, C. J. B.
Bentinck, Lord G.	Hamilton, G. A.
Blackburne, J. I.	Herbert, rt. hon. S.
Blake, Sir V.	Hussey, A.
Broadley, H.	Jermyn, Earl
Bruce, Lord E.	Jocelyn, Visct.
Cardwell, E.	Kemble, H.
Clerk, rt. hon Sir G.	Lennox, Lord A.
Cripps, W.	Lincoln, Earl of
Denison, E. B.	Lowther, Sir J. H.
Douglas, Sir H.	Mackenzie, W. F.
Duckworth, Sir J. T. B.	Patten, J. W.
Egerton, W. T.	Peel, J.
Esmonde, Sir T.	Polhill, F.
Fitzroy, hon. H.	Rous, hon. Capt.
Flower, Sir J.	Smith, rt. hn. T. B. C.
Fremantle, rt. hn. Sir T.	Spooner, R.
Fuller, A. E.	Wellesley, Lord C.
Gaskell, J. Milnes	TELLERS.
Goulburn, rt. hon. H.	Young, J.
Graham, rt. hn. Sir J.	Baring, H.

List of the NOES.

Aldam, W.	Masterman, J.
Baine, W.	Mitcalfe, H.
Bowes, J.	Muntz, G. F.
Brotherton, J.	O'Connell, M. J.
Crawford, W. S.	Palmer, R.
Duke, Sir J.	Somerville, Sir W. M.
Duncan, G.	Strickland, Sir G.
Escott, B.	Tuffnell, H.
Ferguson, Sir R. A.	Wakley, T.
Forster, M.	Wawn, J. T.
Grosvenor, Lord R.	
Hawes, B.	TELLERS.
Hutt, W.	Hume, J.
Liddell, hon. H. T.	Wortley, hon. J. S.

Bill passed.

STOCK IN TRADE.] On the Motion of Sir *James Graham*, that the Stock in Trade Bill be read a second time,

Sir *R. Inglis* presented two petitions against the Bill; one from the deanery of Exeter, and the other from the clergy of Sussex. The hon. Baronet then proceeded to state, that the title of the Bill conveyed to hon. Members a very imperfect idea of its objects. He asked the attention of the House for a short time to a statement of the subject now under consideration. For five or six years the Bill had been annually renewed, which was making the law permanent, yet avoiding any discussion upon the subject in that House. If it were thought desirable that the law should be altered, let a Bill be introduced—let it be fully discussed, and let the law be settled upon a fair basis, and so avoid the great evil of suspending the operation of the law by more renewal Bills. The present state of the law pressed very heavily upon a class of men who were entitled to the kindest consideration of the House. It took a considerable portion of the income from those, than whom no body of men were more charitable in their several parishes; he meant the parochial clergy. Year after year he had allowed the annual Bills to pass without observation, upon the understanding that the subject should receive the consideration of the House. He had expected that some attempt would be made in the present Session to settle the question of rating of all kinds of property—a question which he admitted to be full of difficulties—and he had waited until last week, when the present Bill was introduced; he then saw there was no hope that Her Majesty's Government would take the matter into their own hands; and, therefore, he had determined to call the attention of the House to it. He trusted the right hon. Baronet would not allow the Session to terminate without giving an assurance that the subject should receive the attention of Her Majesty's Government during the recess, and that early next Session they would be prepared to introduce a Bill to define and settle the law, and prevent the continuance of a great and pressing grievance. Having performed a duty he felt incumbent upon him, he would not oppose the second reading of the present renewal Bill; but he sincerely trusted it would be the last of its kind upon that subject.

Sir *J. Graham* agreed with the hon. Baronet that the subject was one of very considerable difficulty, and one of deep interest to that respectable class of men to whom he had more particularly alluded. The claim of the clergy to exemption from rating was founded upon two grounds, and there had been two different decisions upon the question in courts of law. The first case was that of "The King *v.* Jod-

drell," wherein the decision of the Queen's Bench was in favour of the claim. That was in the year 1835; and about the same time, the Tithe Commutation Bill and the Rating of Property Bill were under consideration, and clauses were introduced into those Bills giving the clergy the benefit of that decision; but it was taken from them by a subsequent decision of another clause. The clergy, in his opinion, sustained no injury from the present state of the law, nor did they possess any claim other than that which belonged to them under the ancient law, when farmers were rateable only in proportion to their rents, and not in reference to their profits; and so far from the clergy being placed in a disadvantageous position in comparison with other ratepayers, they stood in exactly the same position as they did when the Tithe Commutation Act passed. He had said before that he thought the whole question of rating well worthy the attention of the Legislature. It appeared to him very doubtful whether the present parochial system of imposing the rate was the best that could be devised; and he thought it worthy of consideration whether some system not confined to such narrow limits, could not be adopted after mature deliberation. He thought, also, that it was desirable that there should be a better appeal against any inequality of rating. For any such inequality which might at present exist, there must be a general remedy; but he should deceive his hon. Friend if he held out to him any expectation of a special remedy in favour of the clergy.

Bill read a second time.

SLAVE TRADE (THE BRAZILS.)] On the Order of the Day that the House go into Committee upon the Slave Trade (Brazils) Bill being read,

Mr. *Milner Gibson*, feeling that this was a measure in the nature of a Penal Act against a friendly Power, and that it involved considerations of the greatest importance, bearing upon the peace and safety of Her Majesty's subjects in the Brazils and other parts of the world, had felt it his duty, before he should consent to the House going into Committee, to request the right hon. Gentleman (Sir Robert Peel) to supply the House with such information relating to the subject as he had in his power, in order to justify them in giving, as they were called upon to do, their assent to this Bill. The correspondence between Her Majesty's Government and that of the Brazils had been laid upon the Table of the House; but it appeared to him that there yet remained important matters which should be made known, before the House could be in a condition to judge whether it were right and proper to share in the responsibility of commencing, as it were, a series of hostilities, for that was, perhaps, not too strong an expression to use, against the Brazilian Empire. Hon. Gentlemen might have imagined that this was a measure in accordance with other Acts which had passed through Parliament, namely, acts enabling the Government to execute Conventions with Foreign Powers in reference to the Slave Trade. But on looking into the provisions of this present Bill, they would find that it called upon Parliament to give to the Executive Government a power to exercise acts of hostility towards the subjects of the Brazils, which acts must be viewed by that country in a light calculated to lead to resentment and retaliation on the part of the Brazilians, and perhaps superinduce a series of difficulties greatly impeding the trade at present carried on between this country and the Brazils. This measure would authorize our cruisers to seize and stop all vessels on the high seas suspected of being engaged in the Slave Trade, and which they supposed to belong to the Brazils. It would authorize the Ministers to empower such person or persons as they chose to stop any vessel on the high seas, if to such person or persons it appeared that the vessel in question was engaged in the Slave Trade. This would lead to the detention of vessels, the examination of their papers, and to other circumstances which might very soon involve us in difficulties with Foreign Powers. We had a Slave Trade Convention with the Brazilian Empire. A portion of that Convention had lately expired. In the portion which had thus expired, there were provisions giving to the respective Powers—England and the Brazils—a right of mutual search and visit of the ships of the two countries, and also provisions establishing Mixed Commission Courts, for the purpose of adjudicating upon vessels seized under the provisions of the Treaty. But all these stipulations had now expired, and the Brazilian Empire was no more bound by them than was the Government of England. But it was said that there existed, beyond these special provisions, a general obligation on the part of the Brazilian Government to abolish the Slave Trade; an obligation which was to be found

in the First Clause of the Treaty of 1826, whereby the Brazilian Government bound itself to declare that the carrying on of the Slave Trade by any of the subjects of the Brazils should be treated as piracy. But the question here arose, whether, although the Brazilian Government bound itself by such an obligation, that could form a justification, on the part of the House of Commons, for giving to Her Majesty's Government the power of carrying out the obligation in that clause? It was urged that the time had now come for us to step forward and interfere—for us to exercise the power specified in the First Clause; and if the Brazilians would not abolish the Slave Trade, that we should abolish it for them. But this involved an important consideration as regarded the law of nations. He had the highest authority to quote, to the effect that the granting of such powers, on the part of Parliament, to the Executive Government, would not be consistent with the usual custom which obtained in cases of this kind between Foreign Powers. When a Bill similar to this was introduced into Parliament by the noble Lord the Member for Tiverton (Lord Palmerston), the Duke of Wellington and the Lord Chancellor protested against it on this ground, amongst other grounds, that the object of the Bill was to authorize officers of the Crown to exercise acts which might be construed into acts of hostility against Portugal. There was a second protest to the same effect; and he was informed, on the highest authority, that the Bill in reference to Portugal was similar in all its enactments to the present measure. When this country made the Slave Trade piracy, there was an express proviso in the Act of Parliament to the effect, that British subjects and British ships, if captured in following the Slave Trade, should be tried by British tribunals; and the Act gave no power to a foreigner or to a Foreign tribunal to adjudicate on the life or liberty of any of Her Majesty's subjects. That was sufficient to show that it was understood, when the Treaty was entered into, that it was to be given effect to by the laws of the respective countries. He admitted that there was a feeling in the breast of every man in this country, that when a foreign country entered into a Treaty with us, if there afterwards appeared a determination on the part of such foreign country to avoid the carrying out of such Treaty, or a disposition to practise upon England, and to mislead us as to the course taken in the accomplishment of the objects of the Treaty, we had then a right to take some means to enforce the obligations created by the Treaty. But the Government were bound to consider, in the case of the Brazils, that the Executive Government of that country could no more do what they pleased, in reference to such a question as the Slave Trade, than the right hon. Gentleman, who was the chief adviser of the Executive in this country, had it in his power to act as he pleased in reference to such a question as the Corn Laws, or any other question which had a powerful and interested party banded together for its support. The Brazilians would feel that, in carrying out this Act, we were interfering with their independence, and would also feel themselves humiliated if they permitted us to do so. In addition to this consideration there were many powers, passions, and influences warring against the Government of the Brazils; and he would ask the House, before they consented to commit an act of hostility towards that Power, to consider well the difficulties which that Government had to encounter in any attempt which it might make for putting down the Slave Trade. He did not think that the policy which the Government of this coun-lry were now pursuing, was at all calculated to influence aright the only power that could put down the Slave Trade—public opinion, which might be rendered unfavourable to its continuance. Besides, had the Brazilians done nothing to put down this odious traffic, in accordance with the Treaty of 1826? Had they made no sacrifices, had they made no concessions? They had done as much in this respect as other countries similarly circumstanced. Could the right hon. Gentleman show the House, from the Papers now on the Table, that the Brazils had expressed a determination, from this time henceforth, to do nothing to put down the Slave Trade? He (Mr. M. Gibson) knew of no such determination on the part of the Brazils. When negotiations were pending in August, 1841, the British Government submitted a distinct proposal to put down the Slave Trade. Negotiations progressed; but on a sudden, in 1842, a note was received from the Brazilian Minister, conveying a peremptory refusal to proceed any further in the negotiation with respect to the Slave Trade. He would beg the House to recall to their recollection at what period this took place. It was when the Government of this country had first an-

nounced their intention to that of the Brazils of carrying on thenceforth against that country a hostile commercial policy, and of placing its produce in our ports under a species of ban and exclusion; and it was when Mr. Ellis was sent out to Rio Janeiro with instructions, which had never yet been produced to the House; and he was confident that these instructions, so studiously withheld, were an essential element for them to be in possession of, in order to be able to form a correct judgment upon the merits of the Bill now presented to the House. Mr. Ellis's negotiation had now come to a conclusion. No public interests could therefore now be affected by the production of the correspondence and instructions; and before the right hon. Gentleman called upon them to share in the responsibility of the contemplated acts of hostility against the Brazils, he was bound to show them that his own policy was not the policy which created the necessity for now resorting to such a measure—a measure which he regarded as nothing short of a declaration of war, and that such necessity, if it existed, would not be done away with by resorting to a different course of policy. They must have the whole case before them, or they were not in a condition to give to the Bill the support which was demanded of them. He found in the papers before the House, that Lord Aberdeen admitted that this was an extreme measure—that he adopted it with regret—and that if the Brazilian Government entered into terms with reference to the Slave Trade the Act would be repealed. The noble Lord clearly intimated, by this correspondence, that he was entering upon a harsh and hostile policy. Let the Government keep the responsibility of that policy to themselves, and not call upon the House to share it with them. If they thought that the circumstances of the case required such measures, let them make war openly upon their own responsibility, and come next year to Parliament for a Bill of Indemnity, which, if a sufficient case were shown, Parliament would no doubt grant. The Executive was shrinking from its real duty on this question. The Bill itself showed that the Executive Government of this country was doubtful of the rights which it possessed by the clause in the Treaty of 1826. If the clause gave them such rights as they stated, he said the Government had shrunk from carrying those rights into execution. This Bill gave no power to deal with Brazilian subjects, but merely to seize and confiscate Brazilian ships. It appeared, then, that our rights under this Treaty were questionable, and that the Government scarcely dared to exercise them. It seemed to him, also, that if the clause of the Treaty did not give the right to interfere with subjects, it would not give the right to interfere with ships. Again, he would put it to the Government, was it proper to press on a Bill of such importance, and involving such important consequences, with so much haste? An important amendment had already been introduced by the Government into the Bill since it was first brought forward. They had provided that the parties who seized these Brazilian ships should be entitled to the bounties and tonnage dues usually allowed in such cases. Now, let it be recollected, that Parliament had voted, out of the Consolidated Fund, 20,000*l.* or 30,000*l.* to the officers and crews of our cruisers for seizing Brazilian slave ships. He would call upon the Government to consider the probable result of the course they were now adopting on the minds of foreign nations. Already suspicions as to our motives were entertained; and it was said, in reference to the practice of sending the negroes found in the captured slave vessels to our own Colonies, that England required labourers for her own Colonies, and was taking the shortest course to procure them by sending those negroes which her vessels of war found in the captured Brazilian ships into her own Colonies. Then the mortality amongst the negroes during their passage to our Colonies was as great almost as in the middle passage, and that improper crowding of vessels, which was so properly complained of as a feature of the Slave Trade, we ourselves were actually guilty of. A letter written by Mr. MacLeod, dated Trinidad, February, 1844, mentioned that 288 negroes were brought in there in a vessel from Rio Janeiro, several having died on the passage. It was too generally the impression in the Brazils that it was our own advantage we sought in our efforts to suppress the Slave Trade, and it was thought, too, by many that the reason why the officers in command of our cruisers were so active off the coast of the Brazils was the bounties and pecuniary advantages which resulted to themselves from the seizure of slave vessels. He considered that the course we were adopting was calculated to excite the feelings and passions of the Brazilians

against us. What would have been our own feelings were some foreign nation to attempt to interfere with us in the same way as it was proposed now to interfere with the Brazils? When England was a slave-trading country itself, it would have repelled with indignation such an interference on the part of any foreign country. He (Mr. M. Gibson) was almost inclined to agree with the view expressed the other night by his hon. Friend the Member for Gateshead (Mr. Hutt); he was almost inclined to go with his hon. Friend in saying that it was doubtful whether the exertions of our cruisers on the coast of Africa and on the coast of Brazil, for suppressing the Slave Trade, had not tended to increase the evil it was our object to put an end to. At all events he was inclined to think our policy in this respect was questionable; and should his hon. Friend in the course of the ensuing Session feel it his duty to move for the appointment of a Committee to inquire into the subject, he would support him. What at this moment was the position of the great interests of this country—of our manufactures—in reference to the Brazils? The Brazilian Government said, we will put a discriminating duty on your manufactures of 20 or 30 per cent. as compared with the duty we impose upon the manufactures of other countries; and we will continue that discriminating duty until you give up your exclusive policy in reference to our sugar, and until you receive that sugar on the same terms as you admit the sugars of the most favoured nations. He called upon the right hon. Baronet to show to the House that it was not his own policy that had brought Lord Aberdeen into that disagreeable necessity in which he had admitted he was placed in proposing to carry out the clause of the Treaty of 1826 in this hostile spirit—and he would call upon the Government to say, supposing that the result of this measure should be the confiscation of the property and the endangering the lives of British subjects in the Brazils—whether they had contemplated such a contingency—whether they had considered all these things? Some time ago Lord Aberdeen intimated, in reply to a question put to him, that a Treaty was about to be concluded with the Brazilian Government, and he had no doubt that British property and British subjects in the Brazils would be respected. But the late mail contained nothing confirmatory of that statement, and every reason to suppose that no such Treaty as that to which the noble Lord alluded had been concluded with the Brazils. He called upon the Government to say how long were the great manufacturing interests of this country to be jeopardized—how long were the property and the lives of British subjects to be endangered, in order to carry out the peculiar views of a small section of the anti-slavery party in this country? He said a small section, for he was justified in saying that the anti-slavery party, as a body, disapproved of the policy of Ministers—and the Memorial which had been presented to the Government from that body, distinctly deprecated armed interference. The hon. Member concluded by saying that he should take the sense of the House against the Bill.

Sir *R. Peel* said: I will, as shortly as I can, state to the House the objects of the Bill which has been sent down by the House of Lords, and which I now move shall be considered in a Committee of this House. The international engagements between Brazil and this country in respect of the Slave Trade rest on a Convention concluded between the two countries in 1826. By the First Article of that Convention, it was provided that it should not, from a time therein named, be lawful for a subject of the empire of Brazil to be concerned in carrying on the African Slave Trade under any pretext or in any manner whatever, and that the carrying on of such trade after that period by any person or subject of His Imperial Majesty should be deemed and treated as piracy. There was, therefore, an international engagement between this country and Brazil, that from a certain time the subjects of the Brazilian empire, engaged on any pretext or in any manner in carrying on the Slave Trade, should be guilty of the offence of piracy. The Brazilian subject was not merely by the municipal laws of his own country liable to the penalty for piracy; but there was a solemn engagement entered into between the Brazilian Government and this country by which the offence was made piracy. Shortly after that Convention there was another entered into by the Brazils, adopted from one that was existing between Portugal and this country, concluded in 1817, which had for its object the determining, by mutual arrangement between the two countries, in what mode effect should be given to that engagement. A mutual Right of Search was given in the case of Brazilian ships

and English ships, and Courts of Mixed Commission were appointed for determining offences at variance with the existing engagements. Either Government had the power in its own discretion to terminate that Convention in the month of March, 1842, a period of fifteen years from the time it was entered into. Brazil thought fit to give notice of her intention to terminate that subsidiary Convention, and this Government thought fit to accede to such desire on the part of the Brazilian Government. But there remained in force the original Article of the Treaty of 1826, and the object of this measure is to give effect to the stipulations of that Treaty. A great part of the hon. Gentleman's speech appeared to be in favour of the abandonment of all policy on our part for the suppression of the Slave Trade. The hon. Gentleman says, imputations are thrown out on the faith and integrity of this nation, and that on that account we ought to be particularly careful how we interfere with the rights of other countries. No doubt such imputations are thrown out, and thrown out from interested motives. There is no doubt a desire to depreciate the character and paralyse the exertions of this country in the suppression of the Slave Trade; but I think the sacrifices this country has made for the mitigation of the evils of the Slave Trade, and for the termination of the *status* of the Slave Trade, may enable her safely to defy all such unjust suspicions. The hon. Gentleman says, there was a time when this country herself carried on the Slave Trade, and the bishops in the House of Lords made speeches in its favour. The fact may be so; but does the hon. Gentleman think that that constitutes an argument why we should relax in the efforts we have made for the suppression of the Slave Trade? The Government proposes this measure with regret. It would have been infinitely more satisfactory to them that the Brazils should have consented to enter into a new engagement in substitution of the engagement of 1817, and should have acted in ready concert with us in the suppression of the Slave Trade. I have laid on the Table the correspondence that has passed on this subject, and I leave it to the House to judge whether any effort on the part of Her Majesty's Government for the last ten years has been omitted in order to induce the Brazilian Government of its own good will to enter into that friendly concert. The House will see what have been the proposals that have been made from time to time; not recently, but during the period my noble Friend Lord Aberdeen has been Secretary of State for Foreign Affairs, and during the period the noble Lord opposite held the same office. The House will find that repeated exhortations were addressed to the Brazilian Government, for the purpose of inducing them to enter into amicable concert with us, and to enable us to search Brazilian vessels, and to punish those who were engaged in the Slave Trade under that Act which had been agreed to by the Brazilian Government of its own free will. But those efforts have failed. The Brazilian Government have from time to time distinctly stated to us, that her views on this subject are entirely at variance from ours, and from the Brazilian Government we can expect no assistance or co-operation in the suppression of the Slave Trade by her own subjects. Shall we then altogether abandon our efforts? Shall we hold the Convention of 1826 to be of no effect; and, notwithstanding that international engagement between the Brazils and this country, shall we permit Brazilian subjects and ships to carry on the African Slave Trade without any independent effort on our own part to suppress it? First, I say, that the Brazils themselves have admitted that this country, under the Convention of 1826, has a right of its own authority, failing other engagements entered into with the Brazils, to suppress the Slave Trade carried on by Brazilian subjects. The hon. Gentleman will observe in the correspondence that has taken place, in a note presented by the Brazilian Government, that at an early period subsequent to the last Convention, Brazil expressly considered that under the Convention of 1826, this country had a right to interfere for the suppression of the Slave Trade. He will find in page 7 of the Printed Papers, that in a document issued by the Brazilian Government, it was stated that the Government had received from the British Minister an assurance that certain Brazilian vessels which had been employed in trafficking in slaves, but which could prove that on or before the 30th day of March, 1830, they were not so employed, should be allowed to proceed and finish their *bonâ fide* voyage without incurring the liability of being

treated as pirates, according to the Convention of 1826. The hon. Gentleman, again, will find that the Brazilian Secretary of State relied on the Article in the Convention of 1826, as a proof that the Slave Trade was totally forbidden to Brazilian subjects. No law was passed in the Brazils at that time, making the Slave Trade piracy; for the Brazilian Secretary of State said, that the Slave Trade was abolished, and that the offence was constituted piracy; and, in saying that, he was not speaking of the municipal laws passed by the Brazils, but of the effect of that Convention which had been signed between this country and the Brazils. But efforts were made to put an end to the Mixed Commission. Objections were made to it by the Brazilian Government; but in making those objections, the Minister of the Brazils urged that the continuance of the Mixed Commission was unnecessary; because, under the Convention with England, there was a power on the part of the two Governments to suppress the Slave Trade, by making it an offence cognizable by their own respective legal tribunals. There was, then, a distinct admission that we had a right to treat the offence as piracy, virtually by the law of Brazil. The hon. Gentleman says, he will not share in the responsibility of the Government in bringing forward this measure. What is the effect of it? We consider that the Crown is empowered to direct the detention of Brazilian vessels. We have not acted without the fullest deliberation. It was the impression of the noble Lord opposite, than whom none has paid more attention to this subject, that on the suspension of the last Convention an Act of Parliament would be absolutely necessary to give effect to the Convention of 1826; and the noble Lord inquired of me whether it were my intention to propose a Bill for that purpose. It is true that we did not proceed without mature deliberation. We approached the subject with great caution and reluctance, for we were most anxious that the Brazils should take the course which Spain took in 1835, and Portugal in 1842, and by mutual stipulations should have enabled us to effect this object. But all we do by this Act is not to give the Crown the power to issue these orders, for we think that the Crown has the power to direct the detention of Brazilian vessels, in virtue of the Convention, and we are prepared to take on ourselves the responsibility of issuing those orders. But at present the Vice-Admiralty Courts of this country are prohibited from taking cognizance of these offences. At present, without the intervention of an Act of Parliament, I apprehend that the Vice-Admiralty Courts could not proceed to the adjudication and condemnation of Brazilian vessels; and it is necessary to provide in this case, as you did in the case of Portugal, that the Vice-Admiralty Courts should have that jurisdiction of adjudication and condemnation, with respect to vessels seized on suspicion of carrying on the Slave Trade, which they would not have without it. The hon. Gentleman tells us to issue the orders on our own responsibility, and trust hereafter to an Act of Indemnity. It is infinitely better to ask from Parliament the power of adjudication upon vessels that are seized, rather than to issue orders and leave it in doubt whether there be any jurisdiction competent to decide upon those points. The hon. Gentleman refers to a speech made, and a protest entered into, by my noble Friend in 1839, with reference to the Bill proposed by the noble Lord, enabling the British Government to detain Portuguese vessels concerned in the Slave Trade. I, for one, seeing there was an indisposition on the part of Portugal to fulfil the obligations of her Treaty with this country with respect to the Slave Trade, felt that the noble Lord was justified in the measure he proposed. I saw the unavailing attempts he had made to prevail on Portugal to fulfil those stipulations into which she had entered with this country, and that after benefits received from this country, and every diplomatic effort having failed, I thought that the noble Lord was fully justified in calling on Parliament for their assistance. Both Houses have, from time to time, presented addresses to the Crown for the suppression of the Slave Trade, and have assured the Crown of their willing co-operation in case legislative interference was necessary. Those addresses were unanimously carried, and therefore on the part of the Crown, I think, after the Convention of 1817, I should be abandoning my duty if after those addresses I permitted that state of things to arise which would arise unless you give to the Vice-Admiralty Courts the jurisdiction which this Bill proposes. But the noble Lord proposed in the case of Portugal an Act of Parliament expressly

giving to the Crown the power of issuing orders, and enabling the Vice-Admiralty Courts to exercise those powers. At a subsequent period, after some difficulties in respect to the first Bill, the House of Lords acquiesced in what was proposed by the noble Lord; but the case of the Brazils is very different from the case of Portugal. In the case of Portugal there was no such Treaty as in the case of the Brazils. There was an engagement on the part of Portugal that she would co-operate with you generally in the suppression of the Slave Trade—that she would pass a law prohibiting the Slave Trade—that she would give you a Right of Search; and she engaged to do various things which she did not do, and entered into various stipulations which she did not perform, and the noble Lord asked for the interference of Parliament to compel Portugal to do that which the British Crown had required of her, but which she refused to do. But that was a *casus belli*. The noble Lord thought the conduct of Portugal justified the Crown, first in making the most urgent diplomatic remonstrances, and, those failing, then to call on Parliament to compel Portugal to enter into her engagements. If the hon. Gentleman refers to the protest of my noble Friend, he will see that it proceeded upon those grounds: because the Constitution of this country and the usual practice had been to leave it to the Sovereign, acting on the advice of Her Ministers, to come to a decision upon all questions of peace and war; and to carry into execution such measures and to order such operations as Her Ministers proposed. My noble Friend contended that in the case of Portugal it was a *casus belli*—that the Crown ought to have proceeded upon its own imperial authority, and declared war against Portugal to compel her to perform her engagements. But this is not a *casus belli*, it is a *casus fœderis*. There are stipulations by the Brazils with this country expressly declaring that carrying on the Slave Trade by Brazilian subjects should be piracy; we therefore do not ask Parliament to enable us to declare war against the Brazils. We are content under the Convention, after taking the advice of the highest authorities in this country, including my lamented Friend Sir W. Follett, whose name I shall never mention without a feeling of respect for his memory as that of a most distinguished man. After the best consideration, and after communication with the Queen's Advocate, he and the other highest authorities in this country, gave us deliberately their opinion, that, under that Convention, failing the agreement and consent of the Brazils to other measures for the suppression of the Slave Trade, we were entirely authorized in continuing to exercise the Right of Search over Brazilian vessels. The right now reverts to the Crown of acting under the Convention of 1826; and, supported by the advice to which I have referred, we feel it to be our duty to abide by it, in so far as to give to the Admiralty Courts the power of exercising the rights conferred by that Convention. I think the hon. Gentleman cannot complain that I have thrown any difficulty in the way of the production of all the Papers which, consistently with my sense of public duty, I could lay before the House. He will see that, in the last communication we made to the Brazilian Government, there is an expression of deep regret that considerations of public duty compel us to propose this measure, and an assurance that we shall have the utmost satisfaction in proposing to Parliament its repeal, if—influenced by the Act of the noble Lord in 1839—the Brazils shall enter into a Treaty with us, not for the suppression of slavery, not for interference with any institutions in the Brazils, but for the purpose of giving effect to the original engagement of 1826. We have waited to the last; for a series of years we have implored the Brazils to substitute something efficacious in lieu of this temporary measure; at length we feel driven to the necessity of interfering ourselves, to enforce the exercise of our right. But, at the same time, while we intend to exercise that right for ourselves, we accompany the intimation of our intention with an earnest exhortation to the Brazils to relieve us from this necessity, by entering into amicable engagements with us on the subject. The hon. Member for Manchester says that this measure is imperfect, because some alterations were proposed by me in Committee, into which the House went *pro formâ* the other night. But what was the alteration that was then made? It was simply this:—As the Mixed Commission, with the consent of the two parties, are to continue their operations for six months, in order to preclude any doubt as to the validity of their decisions, a clause was inserted giving to the deci-

sions of that Commission all the force which their decrees had under the former Convention. As the period for which that Commission is to sit, is continued beyond the term specified in the original Convention, the object of that clause was merely to solve a doubt which might have arisen as to the validity of their subsequent decrees. I also introduced into this Bill the usual clauses—similar to those contained in the Portuguese Act, and in every other measure of the same nature—enabling the Lords of the Treasury to award to vessels which succeed in capturing slave-ships a proportion of prize-money. These clauses, being regarded as money clauses, were omitted in the other House of Parliament; and it became my duty to propose their insertion in the Committee in this House. I think, therefore, that the hon. Gentleman's charge, that this Bill has been got up with such haste as to render considerable alteration necessary, is, so far as it regards the alterations to which I have referred, altogether unfounded. I am not aware that there is any other point to which it is necessary for me to refer. The correspondence I have already laid on the Table will probably afford sufficient explanation of the circumstances under which the Bill was prepared. I again repeat, that it is with reluctance I propose this Bill; and I trust that the necessity of continuing it will be removed by the voluntary act of the Brazils, in entering into a Treaty with us similar to the Treaties we have concluded with Spain and Portugal. I can assure the hon. Gentleman I shall have much greater pleasure in recommending the repeal of this Bill, than I now have in proposing it to the House. The negotiation with the Brazils—not for a tariff, but for a commercial treaty, is still making progress; and if I felt that any good object could be promoted, or the success of the pending negotiation advanced, by the further production of Papers and instructions, I would readily consent to lay them before the House. The instructions I have already produced will, I think, afford proof that I have been desirous to lay upon the Table such information, bearing, in my opinion, immediately upon the subject, as I could do consistently with my public duty; but I regret that I cannot consent to produce the instructions issued to Mr. Ellis alluded to by the hon. Gentleman opposite.

Mr. *Hutt* believed that if this Bill were passed its effect would be, in the course of two years, to destroy all commercial intercourse between this country and the Brazils. Although this measure might, to some extent, prevent the Brazilian flag from affording protection to the Slave Trade, he believed hon. Gentlemen were mistaken if they supposed it would have the effect of preventing that trade from being carried on to the same extent as at present. His conviction was, that this measure would not diminish the Slave Trade; and in a fruitless attempt to effect that object the Government were sacrificing some of the best interests of this country, and bringing us to the very verge of war, or, at least, placing us in circumstances which it would be the highest wisdom to avoid. He therefore felt it his duty to oppose this Bill.

Viscount *Palmerston*: As I cannot concur in the views of many hon. Gentlemen near me, I am quite prepared to give Government my support as to the Bill now under the consideration of the House; indeed, I have no other course to pursue, having, as the right hon. Baronet has reminded me, been the first to suggest that this course should be pursued. Let us see how we stand. There exists a Treaty, concluded in 1826. Now, the question for the House to consider is, whether that Treaty is to be allowed to remain a dead letter; and whether all that was to be accomplished under it, and by it, is to be permitted to remain unfulfilled? or whether this House is to take such measures as it can, in order to carry it into practical execution? Parliament has repeatedly addressed the Executive since the year 1814, urging the Crown to conclude Treaties with Foreign Powers—pointing out the object of these Treaties to be the suppression of the Slave Trade—and, in some cases, suggesting the means by which they were to accomplish the purposes in view. Now, it would be utterly disgraceful to the country if Treaties so concluded were allowed to be violated by the bad faith of the Governments with whom they were contracted. I am sorry, Sir, to say, that it is impossible to state in exaggerated terms the just accusation against the Brazils, of bad faith as to the Conventions agreed to by it, respecting the Slave Trade. It is true, that the Government of which I was a Member did, during the ten years we were in office, urge, year after year, by every possible argument, the Government of the Brazils to

fulfil the engagements by which they were bound. But all our inducements—all our arguments—all our persuasions, were utterly fruitless; and whenever the subject of the Slave Trade has been discussed here, the notoriously bad faith of the Brazilian Government has been on all hands admitted and deplored. Therefore, the question is, are they to be permitted to carry on their Slave Trade with perfect impunity? or are you to take, in order to prevent them, the only means which the Treaties you have passed, place within your power? Considering the matter in this light, I am prepared to share in any responsibility which, as an individual Member of Parliament, may accrue to me, in giving my support to this measure. At the same time, I must admit that there is some force in the observations of my hon. Friend (Mr. M. Gibson), that if the Government had not taken that injudicious course which they have thought it right to pursue, with respect to the Government of the Brazils, as to the Sugar Duties, I think it is very possible that we should not be placed in the situation in which we now find ourselves; because, Sir, it is certainly true, that that course was calculated to produce a great deal of unnecessary irritation in the Brazils—irritation which may have led the Government of that country to put an end to the Treaty of 1817. The argument of my hon. Friend the Member for Manchester, however, that you cannot expect Brazil to submit to what we now propose to do, because England would not submit, were any Foreign Power to assume the right of exercising on our coasts that sort of inspection and police, which we propose to establish on those of Brazil —I say, Sir, this argument does not appear to have much weight; and for this reason—the Government of the Brazils is bound by Treaty to submit; and I hope and trust, that were we so bound, we should also submit. Indeed, I am convinced we should; for I have such an opinion of the honour of this country, that I know we should submit to any inconvenience, however galling to the national pride, were we bound by stipulation to do so. Therefore, in asking Brazil to fulfil her engagements, we are only urging what we ourselves would consent to do, under converse circumstances. I fear, however, at the same time, that what the hon. Member for Gateshead anticipates, in regard to the effect of the Treaty, may, in a great degree, take place. I am very much afraid we shall find the result of this will be, not to put an end to the Slave Trade of the Brazils, but to drive it to take shelter under some other flag. It is quite clear, that if the Right of Search be given up with France, and if it do not exist with America, that the Slave Trade to Brazil will be carried on under the flags of France and of the United States. Nevertheless, it is, perhaps, a point gained to drive it out from under the flag of Brazil, if such should be the effect of the Treaty. It seems to me, however, that a remark of the hon. Member for Manchester was not understood by the right hon. Baronet, as it was not adverted to by him, while he answered an observation which my hon. Friend did not make. I understood my hon. Friend to have put a particular question; and if he did not, I beg to put it myself. The Treaty with the Brazils says, that the subjects of Brazil who may, directly or indirectly, be concerned in carrying on the Slave Trade, shall be deemed as pirates; while the Bill before us merely applies to ships, not to subjects: and, if I understood my hon. Friend, he alluded to this discrepancy, and expressed a wish to know what were the grounds on which Government, proposing as it does to carry out the stipulations of the Treaty, introduced a measure different from that which these stipulations would allow them to propose. It appears to me, that the Bill falls short of what the Treaty would justify. Government, in acting under the Treaty, might deal with the subjects of Brazil, whilst the Bill is limited to dealing with ships and cargoes; and it may be remarked, that the confiscation of vessels and goods must be incidental to the crime of piracy committed by the owners of the one, and the navigators of the other; and, therefore, surely you are as much justified in punishing the latter, as in extending the consequence of their crime to matters contingent on the offence. Sir, I with to take this opportunity of recalling to the attention of Government one or two points which I more than once endeavoured to impress upon their notice, and which I hope will receive their attention during the recess. I would advert for a moment to the Slave Trade carried on upon the coast of Muscat. I adverted some few days ago to a Treaty signed by an officer of the French Government, which seems to me calculated to lead to a renewal of the Slave Trade from Zanzibar to the Isle of Bourbon. Since then, I see that the Duc de Broglie;

in the French Chamber, has stated that the Treaty did appear to contain some stipulations liable to that accusation; and on that ground, some of these clauses were not ratified. But if anybody will look to the Treaty which has been published to-day in the *Anti-Slavery Reporter*, it will be evident that it is hardly possible to ratify any portion of the Treaty without leading to the encouragement of the Slave Trade, and particularly of the land Slave Trade, on the eastern coast of Africa. For if you engage or hire persons who are in a state of slavery such as exists in Zanzibar — if you hire and carry them to another country, their places must be supplied, and will be supplied, by means of the internal Slave Trade of the country; and, therefore, I do hope that the Government will make those friendly representations to the Government of France which they are undoubtedly entitled to make, in order to urge the latter Cabinet to consider whether this Treaty, if acted upon, will not have the effect of encouraging those abominations of the Slave Trade which France—in common with every other civilized nation—must wish to see abolished. I think, however, that our Government ought to come to the consideration of the matter with clean hands; and I should recommend them to reconsider the orders issued by the Governor of the Mauritius, giving sanction to similar proceedings for the supply of labourers in that Colony. There is certainly this distinction between the two cases—slavery does not exist in the Mauritius, and, therefore, you can take care that the negroes brought thither shall be secured in the condition of free men; while slavery does exist in Bourbon, and labourers imported there, necessarily sink into the condition of slaves. But if the supply of labourers to Bourbon, give encouragement to the trade in Africa—a trade attended with so much cruelty—might not Government urge upon the Imaum of Muscat some arrangement to mitigate those horrors, of which the other night I read a description, taken from that part of Sir Fowell Buxton's work on the transport of negroes from San Sebastian to Zanzibar? I am sure that if Government were to express a strong feeling to the Imaum, much good might be done. Sir, I do trust that Government will not agree to permit the Governors of Cuba and Surinam to send to Coventry our Consuls and Slave Trade Commissioners in those countries. I may ask, too, whether the Governors of Cuba and of Surinam have been compelled by our Government to receive the communications which our Consuls and Commissioners are ordered by those who have sent them out, to make?

Sir *R. Peel*: We have made representations to Spain upon the subject, insisting upon the right of our Consuls and Commissioners to be heard.

Viscount *Palmerston*: I am only putting the right hon. Baronet in mind of the matter, as, amid the multiplicity of affairs to be attended to by a Government, it might be left to pass unnoticed. I know that the Governor of Surinam did not go so far as the Governor of Cuba. He took no notice of the representations of our agents, and in the whole year 1844 no answer has been received from him to any of their applications. I am sure, then, that the right hon. Baronet will feel that our officers are, both in Cuba and Surinam, in a position quite inconsistent with due respect for the Government which they represent. There is another point I wish to mention, relative to those negroes conveyed into Surinam. Those negroes have been so carried away against the law of England. The consequence was that they became forfeited to the Crown, and the result of that forfeiture was their freedom. Such being the case, then, I say that no Foreign Power can have a right to retain British subjects in a state of slavery, unless they have some legal right on which to ground that act of theirs. But in this case, the subjects of Spain and of Holland, who purchased those slaves, purchased them illegally; and I do hold that these British subjects are entitled to be rescued from the state of bondage in which they are now held, by the interference of the British Government. I hope the subject may receive the fullest and most liberal consideration of the Law Officers of the Crown, and if they feel that the Dutch and Spanish Governments have not an unquestionable right to retain these negroes in bondage, that Her Majesty's Government will feel that, not under any particular law, but under the general international rights of countries, they will be enabled to demand that these British subjects shall be set at liberty. Then there are the Emancipados. No progress has been made in giving them that freedom which by Treaty, and the decree of the Mixed Commission, they are entitled to. When General Valdez was in Cuba, from 1,200

to 1,400 were set free. There remained slaves, some 2,000 or 3,000. It was then stated, that to liberate them all would be productive of inconvenience to the Colony. The excuse was quite futile; but so long as the Cuba authorities went on increasing the number of those to whom were granted certificates of freedom, there appeared little reason why the Government of this country should press the matter. This progress has, now, however, been stayed. General O'Donnell has ceased to grant these certificates of freedom; and seeing that such is the case, I hope that the Government will insist upon the virtual freedom of these nominally emancipated slaves. There is another point on which I am anxious to touch—namely, the case of those negroes introduced into Cuba in violation of Spanish law. It was on that question that the late Government proposed to that of Spain a Convention, giving a Mixed Commission Court power to inquire into the matter. The Spanish Government objected, and our Government acquiesced in the objection. I think that their doing so was unfortunate. We have, by Treaty, the right to demand that these negroes should be admitted to the freedom to which they are entitled. At all events, we are bound to press the point, that all negroes henceforward imported into Cuba should be free; and I am sure that if the point were pressed on Spain, it would go further than anything else to bring it to a faithful execution of the Treaty as it stands. I repeat, that in my opinion, some such arrangement might be made. Sir, I hope that the Slave-Trade Papers of next year may justify more than the Papers of this year, the expectations held out by the right hon. Baronet at the head of the Government that we should find satisfactory proof of the activity and energy of the Ministry upon the subject. When they talk of the Slave Trade, they say everything which a man can desire; but when we look to what they have done, I am sorry to say that their acts fall very far short of their promises. And as people have sometimes the habit of judging men by what they do rather then by what they say, I am afraid, as the matter now stands, that it is impossible to give them much credit for any active zeal in furthering an object so dear to every good and every reasonable man. I hope, however, that the points which I have urged, will not escape their attention; and I may be also permitted to express a hope that next year we shall have the Return which last year I moved for; so that we may have some better grounds to go upon, as we shall have when we know how many negroes are imported from time to time into America. May I hope that the industry of the Foreign Office shall be put in motion, and that a Return moved for in July, 1844, may be presented in February, 1846?

Sir *Robert Peel* was understood to say, that if the noble Lord could point out the way in which the Returns could be made up, he would request Mr. Mandeville (as we understood) to use every exertion to supply the information. He could assure the noble Lord that he hoped it would be forthcoming, and he thought that Mr. Mandeville, whose diligence and ability the noble Lord was well acquainted with, would be able to satisfy him that it was not from inadvertency or negligence that the delay in the production of the Returns had arisen.

Mr. *Gibson* wished to explain. What he meant to have said, and which seemed to be understood, was, that the Executive in Brazil having declared traffic in slaves piracy, but there being no law there to that effect, it was questionable whether we could carry into effect in English courts such a law against Brazilian subjects.

House resolved itself into Committee on the Bill.

On the 1st Clause,

Captain *Pechell* said, he hoped the Government would not be unmindful of the officers who had done such important services in the Slave Trade. Lieutenant Wilson, of the *Wasp*, had been on a raft for twenty-one days, and he endured such sufferings, that he (Captain Pechell) considered him worthy of the highest reward. Six only out of thirteen escaped.

Sir *R. Peel* said, there really must be a limit to the recommendations of promotions in that House. He had undertaken that in the case of the very gallant conduct of Mr. Robertson, a promotion should take place. But he should recommend that, as a rule, the question of promotion should be left to the decision of the Crown.

Sir *G. Cockburn* said, there was a clear distinction between the two cases cited. The promotion of one was for an act of extreme valour, which, if it had been imitated, the disasters which had taken place might not have occurred. The

other was the case of an officer who, by an accident of the elements, was placed in great peril. No doubt he deserved credit, and his case in all its bearings would be considered by the Admiralty; but it was quite distinct from the former.

Mr. *Hawes* was anxious to know whether the Government had any objection to produce the instructions given to Mr. Ellis. The right hon. Gentleman was justified in proposing this Bill; but it was in consequence of the failure of the negotiations it became necessary. It was important to know, then, what the instructions were which led to the first rupture. Those who were better informed than he was, anticipated a still greater alienation of the Brazilian Government, in consequence of the present proposal. Parliament had, therefore, a right to know the origin of the evil.

Sir *R. Peel* said, the House had always that degree of confidence in the Minister, as not to press for the production of documents which he pledged himself could not be given without detriment to the public service. He did not think these instructions had any immediate bearing on the present policy of this country, and he assured the hon. Gentleman their production would not increase the prospect of a successful termination of the negotiations for a commercial Treaty. If the hon. Member looked to the Papers before the House, he would see, that long before the mission of Mr. Ellis, every effort was exhausted to bring about an amicable negotiation on the subject of the Right of Search. So far back as 1835, an application with this view was refused. In 1840, a new proposition was made, but with a similar result. In 1841, also, when the Slave Trade was extensively carried on, Brazil refused to take any steps in conjunction with this country for putting a stop to it.

Mr. *Gibson* said, that in 1841, when the negotiations were pending, they were brought to a sudden termination by the passing of the Resolution of the noble Member for Liverpool, which displaced the late Government. The House had a right to know what were the instructions which led to the alienation of Brazil. The right hon. Gentleman asked the House to put confidence in him. He did place confidence in the right hon. Gentleman, but not so far as to consent to legislate in the dark.

Viscount *Palmerston*: The memory of my hon. Friend must be shorter than I could have supposed, for the substance of the instructions to Mr. Ellis were stated at the time. I think, what was stated was, that it was intended to propose to the Brazils, some law which, by internal operation, should modify the condition of slavery. There was proposed by Mr. Ellis as a *sine qua non*, some law applicable to the condition of slavery, and the Brazils began by a condition *sine qua non*, inadmissible by any negociator for this country; and, therefore, Mr. Ellis never found himself in a situation which would enable him to state officially the condition which we wished to impose. Most unquestionably I always considered such a condition a very injudicious step on the part of our Government. We were perfectly entitled to press measures which would cause them to fulfil their engagements to put an end to the Slave Trade; but we had no Treaty rights to stand on which would justify us in calling for internal regulations as to the condition of slavery. It must be obvious to every one that we were taking the bull by the horns—that we were asking what it was not in the least likely we could, by any possibility, obtain—and that when we made the passing of a law as to slavery, the condition of our admission of their sugar, we were opposing an obstacle which it was impossible to overcome.

Clause agreed to.

On Clause 3, which provides that vessels engaged in the Slave Trade, contrary to Convention, should be tried by Courts of Admiralty,

Sir *Thomas Wilde* said, it must be borne in mind that this clause subjected those who belonged to another State to trial by our law. Now, in the first place it must be observed that the mere agreement between the Brazils and this country to pass a Treaty declaring the Slave Trade piracy, could not be brought into operation against the subjects of the Brazils, unless a law was passed there for the purpose of giving it effect, no more than the mere declaration of the Minister could apply to our subjects, unless the Legislature carried it into operation by a special Act. When that Treaty was made, a particular jurisdiction, called the Mixed Commission, was created, to try the question as to the forfeiture of vessels acting in contravention of it; and the British Legislature

passed an Act restricting the jurisdiction of the Courts of Admiralty, with respect to such cases as were likely to come before the Mixed Commission. Whether the Courts of Admiralty would or would not have had jurisdiction he should not stop to inquire; but it seemed to be assumed that they would have had such jurisdiction, by the restraint imposed by the Act. The present Act, however, gave them express jurisdiction. The First Clause declares that the subjects of the Emperor of the Brazils, if found engaged in the Slave Trade, should be deemed guilty of piracy; and then by this clause it was declared that the Courts of Admiralty should have jurisdiction over any vessels engaged in the Slave Trade in contravention of the Convention of 1826. Now, he could very well understand that as a general principle both countries should agree that the subjects of each engaged in the Slave Trade should be guilty of piracy; but the question was, could they go so far as this Bill attempted, and declare that foreign subjects—

"Shall be tried by the like rules and regulations as are contained in any Act of Parliament now in force in relation to the suppression of the Slave Trade by British owned ships?"

Would it not be better to say that they should be proceeded against as pirates? With respect to the negroes alluded to by his noble Friend (Viscount Palmerston), perhaps he might be allowed to suggest a difficulty as to their position, which struck him forcibly. At the time these negroes were transported there was a property in them recognised by the law of England. Now, supposing they were goods, and that you prohibited their exportation, would you, because their transfer was a forfeiture in your own subjects, be justified in saying to a foreigner who had fairly purchased them, "We demand these goods because a British subject illegally exported them?" The Crown could acquire no title to them except by record; but the judgment once obtained, it referred back to the Act of Forfeiture. If the goods could be seized before the new title of the foreigner intervened, we might claim them; but, as it was, the question required great consideration.

The *Attorney General* was sure the House must feel greatly indebted to his hon. and learned Friend for the valuable suggestions which he had thrown out. As he was particularly anxious that his hon. and learned Friend's opinions should not be misrepresented, he begged to ask him whether he correctly understood the proposition which his hon. Friend had laid down? If he understood him correctly, his hon. and learned Friend denied the power of the Brazilian Government to enter into a Treaty with this country, by which the dealing in slaves should be declared piracy. [Sir *T. Wilde*: No, no!] His hon. and learned Friend then admitted that the Brazilians had the right to enter into such a Treaty. In 1826, the Brazilians adopted all the stipulations of the Treaty with Portugal of 1817, which embodied all the stipulations respecting the Mixed Commission, and in which it was declared that dealing in slaves on the part of the subjects of either State, within three years of the ratification of the Treaty, should be piracy. In consequence of the adoption of the Treaty, the Mixed Commission Court was a necessary part of the stipulations, and the 7th and 8th of George IV. was passed. In March, 1845, the stipulations of the Treaties with the Brazils, with respect to the Mixed Commission and other matters, ended. It was admitted that the Brazilians passed no law for the abolition of the Slave Trade; but he contended that the whole of the Treaty, declaring it to be piracy, was equivalent to the abolition of the Slave Trade by that country. The question was, whether, in consequence of this Article in the Convention, the jurisdiction of the Admiralty and Admiralty Courts still existed. He had no doubt on the subject; but it appeared that doubts were entertained The question, then, was as to the mode this matter should be dealt with. He knew no other mode in which they could treat the subject than to regard it as piracy, and then, inasmuch as parties guilty of piracy were liable, by the law of nations, as enemies of mankind, to the most severe punishment, they should be dealt with accordingly. As the Mixed Commission would expire, it became necessary to revive the jurisdiction of the Courts of Admiralty, and powers must be given to them accordingly; therefore, he considered that the first part of the clause was essential and necessary. The first part of the clause enacted—

"That it shall be lawful for Her Majesty's High Court of Admiralty, and any Court of Vice-Admiralty, within Her Majesty's domin-

ions, to take cognizance of and adjudicate any vessel carrying on the African Slave Trade in contravention of the said Convention of the 23rd day of November, 1826, and detained and seized on that account subsequently to the said 13th day of March, by any person or persons in the service of Her Majesty, under any order or authority of the Lord High Admiral, or of the Commissioners for executing the office of Lord High Admiral, or of one of Her Majesty's Secretaries of State, and the slaves and cargo found therein."

He thought, with submission to his hon. and learned Friend, that it would be better to give this power under the Article of the Convention, instead of saying that engaging in the Slave Trade must be treated as piracy. It would be better to refer to the Article of the Convention, than to a course which might imply an erroneous interpretation of it. The clause then went on—

"In like manner, and under the like rules and regulations as are contained in any Act of Parliament now in force, in relation to the suppression of the Slave Trade by British owned ships, as fully, to all intents and purposes, as if such Acts were re-enacted in this Act, as to such vessels, and to such High Court of Admiralty, or Courts of Vice-Admiralty."

He admitted, that he thought that this part of the clause deserved very serious consideration, as to how far they might carry out the provision by this stipulation. He did not mean to say that he could not justify it; on the contrary, he believed that he could; and he certainly could not abandon the latter part of the clause without serious consideration. He had heard the objections of his hon. and learned Friend for the first time; and he admitted that they involved matters worthy of consideration. Did he understand his hon. and learned Friend meant to say, that there was great danger in adopting the clause as it stood? He thought that it would be better to leave the objection of his hon. and learned Friend for further consideration at a future stage of the Bill; but he was not at once prepared to adopt his views.

Sir *T. Wilde* wished shortly to explain. Suppose that this country made a Treaty with the Executive Government of a foreign nation, and in which there was an Article declaring that to be piracy which was not so by the law of nations—for some civilized nations had regarded the Slave Trade as legitimate commerce — suppose that Executive Government had no powers from its Legislature to punish such act as piracy, could that Government enforce the stipulation in the Treaty? If the Executive Government possessed the power of making criminal laws, there the case ended. The Minister who made the Treaty must be assured that he could get the Legislature to make a law to carry out this stipulation, or in other respects it was a dead letter. If a country could not maintain the provisions of such a Treaty against its own subjects, how could it do so against the subjects of another Power? Was it meant to say that this country had greater power and authority over Brazilian subjects, than over British subjects? There might be countries where the executive and legislative powers were united in the same body; but this was not the case with respect either to the Brazils or this country. He apprehended that two Executive Governments had no power to make that a crime which was not acknowledged to be so, by the respective Legislatures of those two countries. Therefore, any agreement between two nations did not constitute an offence piracy, without the legislative authority of each. Were there any other stipulations in the Treaties than the Convention alluded to, to give this power of confiscating slave ships, and prosecuting the parties as having been guilty of piracy? He understood, that because the Brazilian Government had put an end to the Mixed Commission, that this Bill had been introduced; but he would say, take care that its provisions were confined within the bounds of the existing Treaties. He would suggest, if there were other powers or stipulations on this subject, that they should be looked to most attentively, as the subject was of great importance. Recollect that this clause applied an interpretation and a law to piracy, which was not applicable by the law of nations. They might punish their own subjects as pirates for any offence they pleased; but could they pass a law to punish as pirates the subject of another nation, for committing such an act against the subjects of a third nation? They had no more right to make a law binding on the subjects of Brazil, than they had on the subjects of China, or any other nation; and they had no right to punish them for an alleged act of piracy, which was not piracy by the law of that country. If powers did exist in the Treaties, they must take care that they strictly adhered to them, or the worst consequences might ensue; but the probability was, that they could not do anything. All that he wished

to suggest was, that before they attempted to act as they proposed, that they should exercise the utmost caution.

Sir *R. Peel* was satisfied, that the hon. and learned Gentleman had no other object in view than the promotion of the public interest, in the suggestions which he had just made. The hon. and learned Gentleman's objections were mainly directed to the latter part of the clause. He was bound to say that the preparation of this Bill was committed to the most able hands; and if he mentioned the names of those gentlemen it would be sufficient to make the Committee assured that it had received the most mature consideration. There were two subjects to be considered in this matter—the situation in which the Brazilian persons engaged in the Slave Trade would be placed by the clause, and the situation of Brazilian slave vessels captured. The Bill did not authorize more to be done against Brazilian persons or Brazilian property so engaged, than could be done under the present Convention. Under the Article of the Treaty of 1826, it was, perhaps, doubtful whether authority was not given to each Power to judge as to whether any case of slave trading was piracy or not. Since the Treaty was signed in 1826, which was subsidiary to that with Portugal in 1817, this country had only dealt with property, and not with persons engaged in the Slave Trade. The object of this measure was also only to deal with property. He admitted that it would be difficult to deal with Brazilian subjects engaged in the Slave Trade as pirates; for by their own municipal law it was not piracy; and even if it were, the punishment in the two countries for that crime was not similar. British subjects for that offence were liable to transportation for life; but this was not the case with Brazilian subjects. With respect to the engagement with the Brazils, in the First Article of the Convention there were two provisions, the one having respect to the period of the abolition of the Slave Trade, and the other to its absolute abolition. The Article was—

"At the expiration of three years, to be reckoned from the exchange of the ratifications of the present Treaty, it shall not be lawful for the subjects of the Emperor of the Brazils to be concerned in the carrying on of the African Slave Trade, under any pretext, or in any manner whatever, and the carrying on of such trade after that period, by any person, subject of His Imperial Majesty, shall be deemed and treated as piracy."

It was thought to be compatible with this Article of the Treaty to proceed against the parties so engaged in the Slave Trade before the Admiralty or Vice-Admiralty Courts, for penalties not exceeding those imposed for piracy. With regard to Brazilian vessels so engaged, the law was the same as with respect to British vessels. It was thought by the high authorities who framed this Bill, that there was nothing inconsistent with the Treaty in enforcing the penalty as that proposed. He would, however, refer the subject to those persons, and would take it into his consideration before the third reading. Before that period, he could assure the hon. and learned Gentleman, that the Bill should undergo further consideration; and for this purpose there should be no delay in communicating with the gentlemen who framed it. If the case should be as stated by the hon. and learned Gentlemen, he would see what alterations could be made.

Mr. *M. Gibson* observed that the right hon. Baronet had stated that it was not intended to provide against the persons of Brazilian subjects who were taken while engaged in the Slave Trade; but Lord Aberdeen, in his despatch just laid on the Table, stated that under the Treaty he could deal with Brazilian subjects engaged in the Slave Trade as pirates. This was very different from the statement of the right hon. Gentleman.

Sir *Robert Peel* stated, that the Convention enabled them to deal with both persons and property engaged in the Slave Trade; but for the last thirty years, they had not carried the Convention into effect against persons. Practically the treatment under the Treaty was not the same between the two countries, as there were no British vessels engaged in the Slave Trade; but many Brazilian vessels had been and were now engaged in it; but in no case had a Brazilian subject been proceeded with for piracy for being taken in a slave ship, although many Brazilian vessels had been confiscated for having been so employed. All that they asked for, was sufficient powers to suppress the Slave Trade, in conformity with the stipulations of the Treaty. Although an abstract right existed as to dealing with persons engaged in the Slave Trade, there would be the same abstinence as for the last thirty years from exercising the extreme right; and although they might, under the Treaty, deal with Brazilian subjects engaged in the Slave Trade as pirates, yet they, under

that Bill, only really asked for powers to confiscate the ships of Brazilian subjects employed in the Slave Trade.

Captain *Pechell* said, that under this Bill they proposed to deal with captured Brazilian slave ships in a different manner before the Admiralty Courts than before the Court of Mixed Commission. He doubted whether they could do this under the Treaty. In this Bill they took the power of destroying ships so taken, whereas under the old Treaty they were sold entire, which made a great difference to the captors. He believed that they had not legal authority to break up these ships. This country never had a power under the Convention to detain a Brazilian ship equipped for the Slave Trade. He wished to know whether it was now intended to detain Brazilian vessels equipped for the Slave Trade in the same way as they did ships under the Spanish Treaty?

Sir *R. Peel* replied, that the equipment was admitted as a proof of a ship being engaged in the Slave Trade.

Clause agreed to.

On the 4th Clause being put,

Mr. *Muntz* suggested that they should report progress after the statement of the learned and hon. Member for Worcester, in which he so ably showed the difficulties which would attend this measure.

Sir *Robert Peel* would assure the hon. Member that he would take no unfair advantage, if they went on with the Bill then. If it was necessary, he would introduce the proposed alterations in the third reading.

Mr. *M. Gibson* did not believe that they would carry out the objects of the Bill by means of it; he therefore trusted that his hon. Friend would persist in his opposition to its progress then. The whole power of the Bill was involved in the 3rd Clause, and this was open to the most serious objections. Because they were then in July or August, he did not see why they should not do their business properly. If they could not do so, let the right hon. Gentleman prorogue Parliament, but do not force measures through the House in July, without that consideration which they would have received in March.

Sir *R. Peel* was willing to recommit the Bill if necessary, provided it was allowed to go through its present state. The Bill could not have been brought in at an earlier period of the Session, in consequence of the requisite information not having been obtained from the Brazils, and it was of importance that it should pass without delay. He argued that the subject required the most serious consideration, and it certainly should receive it; but he trusted that the hon. Member would not then press his opposition.

Mr. *Muntz* said, that under the circumstances, he would not press his objection at the present stage of the Bill, although he still objected to its being hurried through the House. He felt after what had been stated by the hon. and learned Member for Worcester, that the attempt to act in such a manner would lead us into such a contest with one nation that it would produce a general war.

Clause agreed to, as were the remaining clauses. House resumed.

TURNPIKE ROADS (SCOTLAND).] On the Motion that the House go into Committee on the Turnpike Roads (Scotland) Bill,

Mr. *Scott* moved that the House resolve itself into a Committee this day three months.

Mr. *P. M. Stewart* defended the Bill. It had been fully discussed in the other House, and it had received the sanction and support of the principal Scotch authorities.

Mr. *Forbes Mackenzie* was of opinion that toll-houses ought to have the privilege of supplying refreshments, as had hitherto been the custom, otherwise great injury would be inflicted on the toll trusts.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 16; Noes 42: Majority 26.

Main Question, as amended, agreed to. Bill put off for three months.

List of the AYES.

Bowring, Dr.	Pringle, A.
Brotherton, J.	Tower, C.
Corry, rt. hon. H.	Warburton, H.
Ferguson, Sir R. A.	Wawn, J. T.
Hawes, B.	Wilde, Sir T.
Hindley, C.	Williams, W.
Manners, Lord J	
Muntz, G. F.	TELLERS.
Norreys, Sir D. J.	Stewart, P. M.
O'Connell, M. J.	Duncan, G.

List of the NOES.

Acland, T. D.	Bruce, Lord E.
Arkwright, G.§	Bruges, W. H. L.
Austen, Col.	Buller, Sir J. Y.
Barkley, H.	Cardwell, E.
Borthwick, P.	Cripps, W.
Broadley, H.	Darby, G.

Denison, E. B.	Packe, C. W.
Escott, E.	Palmer, R.
Flower, Sir J.	Peel, rt. hon. Sir R.
Gardner, J. D.	Rashleigh, W.
Goulburn, rt. hon. H.	Rolleston, Col.
Graham, rt. hon. Sir J.	Sibthorp, Col.
Greene, T.	Smith, rt. hon. T. B. C.
Hamilton, C. J. B.	Spooner, R.
Henley, J. W.	Thesiger, Sir F.
Herbert, rt. hon. S.	Vesey, hon. T.
Lincoln, Earl of	Wellesley, Lord C.
Mackenzie, W. F.	Yorke, H. R.
McNeill, D.	Young, J.
Masterman, J.	
Moffatt, G.	TELLERS.
Mundy, E. M.	Scott, F.
Nicholl, rt. hon. J.	Campbell, H.

FEES (CRIMINAL COURTS) BILL.] On the Order of the day being read that the House go into Committee on this Bill,

Mr. *B. Escott* said, that all that was sought by this Bill was to prevent an accused party from being put to the necessity of buying the right of pleading, and the right of trial, by the payment of exorbitant fees. He believed that the law, as it at present stood, was sufficient to protect parties accused, if they were only aware of their right. But it was the practice in many quarters to refuse the plea of not guilty to an individual charged with a misdemeanor, unless he paid the fee demanded, and to send him back again and bring him up at a subsequent Sessions, until at last the fee was extorted, or the individual was allowed to take his trial because he was utterly unable to pay. In thirty-two counties of England and Wales this practice had already been abolished, and it appeared that it was only in twenty counties that it was still permitted to exist. He wanted that to be declared by the House to be the law, and that, throughout the whole country, the same practice should be carried into operation, as was already carried out in the majority of the counties. They never could get justice done in this matter until they decided that no payment was to be demanded from any person charged with a crime, but the penalty which the court which tried him had a right to impose as a punishment for the offence, or as damages to the party aggrieved. Why, he would ask, should this Bill be opposed? It was simply a measure of common justice to a person charged with crime. Money was at the root of much of the opposition which this Bill met with in the country. Under the present system, the fees formed a convenient mode, except to the party that paid them, of paying certain officers of certain courts. He trusted that after the large majority by which the Bill passed its second reading, it would be allowed to proceed in Committee, when, if any suggestions were made which would facilitate its practical working, he would be happy to give them every consideration. The course of criminal justice should be free from so foul a stain as that which now disgraced it; and until it were free from such stain, neither would the laws nor their administrators be, as they should be, respected.

Sir *J. Graham* said, that his hon. and learned Friend referred to the majority by which the second reading of the Bill was carried. He had voted with that majority; but so voted in order that the Bill might go into Committee, without pledging himself to its support in its present shape. His hon. and learned Friend went into Committee, resolved to maintain the Bill in its present form, including exemption from fees on conviction as well as on acquittal. He was opposed to all useless legislation, and his hon. and learned Friend had stated that the exaction of the fees was at present illegal. He doubted the soundness of this law, especially as regarded persons charged with misdemeanors out on bail; these were obliged to pay fees, and, so far, he was willing to amend the law. To that limited extent he was prepared to go, but not as far as the Bill went. In his view, every person convicted ought to be compelled to pay at least part of the expenses.

Lord *J. Manners* was in favour of going into the Committee, in order to make the Bill as unobjectionable and useful as possible.

Mr. *Palmer* expressed his concurrence with the hon. Member for Winchester, as regarded fees on acquittal, but several charges ought not to be looked upon as fees.

Dr. *Bowring* agreed with the hon. Member for Winchester, inasmuch as no fees ought to be charged either upon conviction or acquittal.

Mr. *Darby* was disposed to get rid of the Bill altogether, rather than include in it all the provisions it now contained. All the costs allowed by 7 and 8 George IV. were injudiciously abolished by this measure. He moved that the House should resolve itself into a Committee on this day three months.

Sir *J. Graham* gave notice that he would to morrow (this day) move for leave to bring in a Bill to abolish fees on plead-

ing and acquittal in criminal cases, if this measure were rejected.

Mr. *B. Escott* agreed to the proposition of the Home Secretary.

Amendment withdrawn.

Order for Committee discharged. Bill withdrawn.

HEALTH OF TOWNS.] The Earl of *Lincoln* said, he had had a Notice on the Books of the House for some weeks past, to move for leave to introduce a measure with reference to the health of towns, founded on the Report of the Commission appointed two years ago, which Report was laid on the Table in February last. He had been most anxious to give a general outline of the measure; but at this late hour of the night, and at this advanced period of the Session, he thought it would be better to ask leave to introduce the Bill without any comment. Had time allowed, he would have taken the opportunity, on introducing the Bill, of giving an ample statement of its details. Such a statement would, however, occupy considerable time; and if he were to postpone the Bill to a future day he could not expect, at this period of the Session, to gain the attention of the House to the dry details of a measure of this description. He would, therefore, merely move that the Bill be read a first time and printed, in order that it might be considered during the recess, and brought forward at an early period of the next Session. He hoped the public would examine the provisions of the Bill, and that its details would be fully canvassed. He trusted also that hon. Members of that House who represented large constituencies would devote some attention to the measure, and make such suggestions to the Government as they might deem advisable. The noble Lord then moved for leave to bring in a Bill "for the improvement of the sewerage and drainage of towns and populous districts, and for making provision for an ample supply of water, and for otherwise promoting the health and convenience of the inhabitants."

Leave given.

Bill brought in and read a first time.

Ordered to be printed.

House adjourned at a quarter before two o'clock.

HOUSE OF LORDS,

Friday, July 25, 1845.

MINUTES.] *Sat first.*—The Lord Foxford, after the Death of his Grandfather.

BILLS. *Public.*—3ª. Lunatic Asylums and Pauper Lunatics; Poor Law Amendment (Scotland); Highways; Masters and Workmen.

Reported. — Unclaimed Stock and Dividends; Spirits (Ireland); Excise Duties on Spirits (Channel Islands).

3ª. and passed:—Recognizances for Costs in Bills; Geological Survey; Waste Lands (Australia).

Private.—1ª. South Eastern Railway (Deal Extension); Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester, and Grand Junction Railways Amalgamation.

2ª. Duddeston and Nechells Improvement; Manchester and Leeds Railway.

Reported.—South Eastern Railway (Tunbridge to Tunbridge Wells); Birmingham and Gloucester Railway (Stoke Branch); London and South Western Railway; Epping Railway; Brighton, Lewes, and Hastings Railway (Hastings, Rye, and Ashford Extension); Gravesend and Rochester Railway; South Eastern Railway (Greenwich Extension); Oxford, Worcester, and Wolverhampton Railway; Oxford and Rugby Railway; Rothwell Prison.

3ª. and passed:—Londonderry and Coleraine Railway; Yolker Road (No. 2); Wakefield, Pontefract, and Goole Railway; Severne's Estate.

PETITIONS PRESENTED. From Inhabitants of Finsbury, for the Appointment of a Committee to Inquire into the past and present Condition and Treatment of Lunatics in England and Wales, whether Pauper or otherwise.—From South and North Leith, against the Poor Law Amendment (Scotland) Bill.—From Inhabitants of Port Phillip (New South Wales), for the Adoption of Measures to obtain for the District of Port Phillip, an entire Separation from the Government of the Colony.—By Lord Cottenham, from W. H. Miller, Esq., of Britwell House, Bucks, praying to be heard by Counsel against parts of the Poor Law Amendment (Scotland) Bill.—From Presbytery of Dunoon, for Improving the Condition of Schoolmasters (Scotland).—From Stockholders, and others, of District of Maitland, for Alteration of Law relating to Territorial Revenue, and Disposal of Lands, etc. (New South Wales).

PRIVILEGE.] Lord *Brougham* presented a petition from James Thomas Russell, of No. 37, Percy-street, Bedford-square, solicitor, complaining that two witnesses who had been examined before the Committee of their Lordships' House on Gaming, had given false and slanderous evidence against him, to the great detriment of his character, and of the characters of all those connected with him; and praying that, as he found it would be a breach of the privileges of their Lordships' House to bring an action at law against those parties, some opportunity might be afforded him of vindicating his character. As the Session was now so near its close, he would move that the petition do lie on the Table, with the intention of moving early in the ensuing Session that it be referred to a Select Committee.

The *Lord Chancellor* said, he should be very ready to assist his noble and learned Friend in investigating this subject; but he wished to remind their Lordships that the Committee alluded to in the petition had sat last Session, and the petitioner had allowed the matter to lie over without

taking any notice of it for a whole year, and until after this House had decided that it would not allow him to go to law. He thought their Lordships could draw a natural and almost necessary conclusion from that circumstance.

Lord *Brougham* said, the petition stated that it was only on Saturday last that the petitioner first saw a copy of the evidence of which he complained.

The *Lord Chancellor:* But he does not state that he did not previously know of the evidence having been given.

Lord *Brougham* said, the law allowed a party four years to bring his action, and he would humbly submit that their Lordships were not justified in not merely shutting out an aggrieved party from redress in a court of law, but also in refusing him any other relief.

Lord *Campbell* said, he was inclined to think that Russell was the name of a person who had been subjected to a very rigorous cross-examination at the bar of their Lordships' House by his noble and learned Friend (Lord Brougham) on the very subject alluded to in the petition. He would, however, strongly support the Motion of his noble and learned Friend for inquiry.

After a few words from Lords *Brougham* and *Stradbroke*,

The Earl of *Wicklow* said, he thought, no matter what the character of an individual might be, the House had a right to give him an opportunity of clearing his character. In reply to what had fallen from his noble Friend on the Woolsack he wished to remark, that any delay to which the petitioner might have been a party should be calculated, not from the time that the Committee had made their Report, but from the period when, their Lordships having consented to give a copy of the Report to the Commons, the latter House had thought proper to sell and promulgate the libel which it contained.

The *Lord Chancellor* said, he had no desire to oppose the Motion for inquiry, but he had merely wished to draw their Lordships' attention to a point of date.

Petition read, and ordered to lie on the Table.

IRISH GREAT WESTERN RAILWAY BILL.] The Earl of *Hardwicke* presented a petition from John Frederick Stanford, of Langham-place, esquire, stating that he was a holder of shares in the Dublin and Galway Railway, which he had been induced to purchase in consequence of the Report of the Board of Trade being in its favour, and praying to be heard at the bar of their Lordships' House on his own behalf, and on behalf of other shareholders.

Lord *Brougham* said, the petitioner was a member of his own profession, and a most respectable gentleman, and he (Lord Brougham) was exceedingly sorry that he had not invested his money in some other funds. But perhaps the Board of Trade would think it their duty to grant him some relief.

The Earl of *Dalhousie* said, the Report of the Board of Trade in favour of the line was a perfectly good Report. With respect to the funds under the control of the Board, he regretted to say they were very limited indeed, but he should be happy to have the advice of the noble and learned Lord as to their disposal.

The Earl of *Besborough* said, in moving on a former occasion the second reading of this Bill, he did so for the purpose of giving an opportunity of having it referred to a Select Committee, who would report on all the remaining allegations against it. Before making the Motion, of which he had given notice on the preceding day, it was necessary that he should call their Lordships' attention to the further Report which had been presented from the Committee by the noble Lord opposite (Earl Bathurst). After reading some passages from the Report, describing the course of systematic fraud that in the opinion of the Committee had been practised in getting up the subscription contract deed, the noble Earl proceeded to say that he knew it would be maintained that the same system had been adopted in respect to many other railways, indeed in most other railways. He did not, however, think, that that should induce their Lordships to pass over a case of this kind, which had been substantiated by two Committees of their Lordships' House, even if all the railway projects which had passed through Parliament had been got up in the same manner. It was true that the promoters of this railway now state their readiness to put in so many solvent names in their deed as would make up the number required by Parliament. But even that circumstance could not, he thought, alter the decision to which their Lordships should come, as, if the Standing Order respecting the contract deed was of

any value, it ought to be adhered to regularly and in all cases. He was quite aware that there were many upright persons who were ready to take shares in this Company, under the idea that they would be promoting a Bill which was calculated to forward a great public work in Ireland, and open a line of railway through a part of the country where it would prove most beneficial; and it was also an important consideration that it would be the means of giving employment to a vast number of persons, who, at this season of the year, would be otherwise unable to procure work. He was aware that much evil would arise from a rejection of the Bill, on these grounds; but still he believed that a much greater evil would result—considering the circumstances of Ireland, now just commencing great public works of this kind, if the Parliament were to depart in their favour from the rules which it had laid down, and which were necessary to be followed in the proper construction of all railways. Under these circumstances, he felt obliged to move that the further consideration of the Bill of the Irish Great Western Railway Company for the construction of a railway from Dublin to Galway be put off to this day three months.

The Marquess of *Clanricarde* said, he had to oppose the Motion of his noble Friend; and if he had no other ground for doing so, he felt that a paragraph in the last Report of the Committee would justify him in requiring an adjournment of this debate. He was informed that the sentence to which he alluded was written by a noble Lord, under a total misapprehension of the facts; and that there was no evidence whatever to support it, because no such could have been given, as nothing of the kind had, he was given to understand, ever taken place. The sentence of the Report to which he alluded was in these words:—"That systematic fraud has been used for the purpose of obtaining the necessary number of signatures to the subscription contract." He could state, without hesitation, that that was a total misapprehension of the facts. There was no doubt but that gross frauds had been exercised for the purpose of obtaining scrip and allotments of shares in the Company; but as the sentence in the Report read, it would appear that these frauds had been perpetrated by the promoters and directors of the Company, instead of by totally distinct individuals. If it turned out that he had been misinformed, he would at once give up the Bill and the Company; but he thought so serious an allegation was one that should not be allowed to pass without inquiry. He would say nothing more at present, except to move that the debate be adjourned, with a view to have the evidence taken before the Committee printed. He might be permitted to add, that with this Company he had no personal connexion whatever. He did not hold one shilling's worth of shares, he was sorry to say, in that or any other railway company; he had no railway shares whatever, though he wished he had; but, as a person having property in the west of Ireland, he felt extremely interested in the Dublin and Galway Railway. The noble Marquess concluded by moving that the debate be adjourned, in order that an opportunity might be afforded of having the evidence taken before the Committee printed.

Lord *Brougham* said, that instead of there being no evidence yet before the House, there were upwards of a hundred pages of evidence already printed and before the House upon this very subject. Having been a member of the Committee, he would state exactly how the matter stood. There was no doubt but that there were two different kinds of fraud in these cases. In one, the fraud might be committed against the Company, namely, by persons forging names, and writing fictitious and fabricated letters, in order to get allotments of scrip; and, in the other, the fraud would be on the House; namely, by persons connected with the Company—he did not mean respectable Gentlemen, like some of those at the head of this Company; but agents or persons employed under them, getting up contract lists for the purpose of complying nominally and fictitiously and fraudulently with the Standing Orders of Parliament. But he would show their Lordships in what way these two classes of fraud became one fraud on the House. He now spoke from the evidence. It was needless to say, that the persons promoting these companies were not those whose names appeared at the head of them, very likely for patriotic and public purposes; but they were a set of harpies who wished to gamble in the share market, and a set of persons whom he would not otherwise designate but as professional men—such

as engineers and land surveyors, who were great promoters of railway schemes for their own private purposes, in order to obtain employment; and these parties all interested themselves to promote the Bill in the manner which he would state to the House. They might get up fabricated lists by directly fabricating names, by forging signatures, by putting down names of persons who had no existence, or who resided in the West Indies, or who were parish paupers. That was one mode, and a most clumsy one, of committing fraud; but there was also another mode by which fraud could be practised against the House. It was to issue a prospectus with a flourishing and puffing account of the scheme that was about to be brought forward, and to declare at the same time that whoever applied for shares would have allotments; and if the promoters after this took no steps to ascertain that the applications which they received were real applications—if they wilfully shut their eyes against attempts at fraud, and received the applications, in nine cases out of ten, or perhaps in ninety-nine cases out of 100, without inquiry—was it not precisely the same thing as if they were themselves guilty of the fabrications, and were in a conspiracy to deceive the House? Now, what was the evidence in the present case? The Committee took it all from the agents of the Company—from the parties themselves; and yet the facts stated to them were, that 970 persons had applied for shares, and that of these only 111 gave any references at all to show whether they were really existent or solvent persons or not. But was that the way with the London and York Railway Company? No; for, on the contrary, the moment they got any letters without references they threw them into the fire. Not so, however, with the Dublin and Galway Company. They received all applications, though only 111 of them were accompanied with any references, and of these they instituted inquiries into only twenty-nine, out of which fourteen were found to be totally unknown. They thought it better, therefore, not to inquire further, and actually gave shares to the other eighty applicants, without making a single inquiry into the references which had been given. What was the consequence? They alloted thirty shares to Mr. Henry Penton, of Crosby Hall Chambers, who never had an existence in the world; ten to Mr. William Baldron, a silkthrowster in London some years ago, but who went to the West Indies seven or eight years ago; and shares to the amount of 3,500*l.* to Margaret Meredith, a parish pauper! The letters were examined in four hours—allowing ten seconds for each letter. They knew that if they wanted to carry their Bill they must have a list of a sufficient number; for which reason they closed their eyes. Now, if a person had the means of inquiring, and did not choose to inquire, he was just to be treated as if he did. He had every reason to believe that this was a great and beneficial public work, that it was wished for by the people of Ireland, and that it was calculated to confer great benefit on that country; but even so, the House was bound to protect itself where deliberate fraud was attempted to be perpetrated against it. He would, therefore, heartily support the Motion of his noble Friend.

Lord *Monteagle* said, he had been a Member of the Committee, and if their Lordships would do him the honour of remembering anything that had fallen from one so unimportant as he was, they would not forget that, when the petition in this case had been presented by the noble Duke, he had declared that he thought it would be better that all the railroads in the country should be lost, than that the House should refuse to inquire into a petition like that, involving an accumulated charge of forgery, fraud, and innumerable other offences. That petition had been referred to a Select Committee, and the evidence taken before that Committee had been reported and laid on their Lordships' Table. On that evidence he, for one, would have been perfectly prepared to support a Motion for postponing the further consideration of the Bill for six months. He thought the evidence so clear and conclusive, that he would have no hesitation in coming to that vote on that occasion. But he wished to call their Lordships' attention to the course which the House had taken subsequent to that time. If the question had rested on the evidence, he would, as he had before stated, have been prepared to negative it; but their Lordships did not come to that conclusion. They thought proper to refer the petition, with the Report and the evidence, to the Select Committee appointed to consider the Bill itself—thus showing that they required

some further evidence. The Motion of the noble Marquess was, that the House should be put in possession of that additional evidence, and he could not help thinking that it was consistent with the course taken by the House itself in requiring additional evidence to be taken. He could not apprehend that the evidence when produced would affect the final vote to which they should come. Still the fact of the House requiring further evidence would seem to imply that the evidence already had would not be sufficient to justify the rejection of the Bill. He was inclined, therefore, to support the Motion of the noble Marquess, more especially as there was criminatory matter contained in the Report.

After a short conversation, in which the Earl of Besborough, the Marquess of Clanricarde, Lord Stanley, Lord Redesdale, and Earl Bathurst took part, debate adjourned to Monday next; the evidence taken before the said Committee ordered to be laid before the House.

LUNATIC ASYLUMS AND PAUPER LUNATICS BILL.] On the Motion of Lord *Wharncliffe*, the Pauper Lunatics and Lunatic Asylums Bill read 2ª.

On the Motion that it be committed to a Committee of the whole House,

Lord *Beaumont* rose to put questions to the noble Lord (Lord Wharncliffe) preparatory to a Motion that the Bill be referred to a Select Committee.

Lord *Wharncliffe* said, that he should be prepared to answer any questions after the House was in Committee on the Bill.

Lord *Beaumont* persevered in putting his questions, founded on certain clauses in the Bill, under the expectation that the House would not resolve itself into the Committee until after the measure had been examined and amended by a Select Committee. He moved, therefore, that the Bill be referred to a Select Committee for the purpose.

After a remark from Lord *Wharncliffe*,

The House divided on Question, that the words proposed to be left out stand part of the Question: — Contents 27; Non-contents 11: Majority 16.

Resolved in the *Affirmative*.

CRIMINAL LAW] The *Lord Chancellor* laid upon the Table the Eighth Report of the Commissioners on the Criminal Law, and in doing so, observed that it related to the most difficult and complicated branch of their whole inquiry, viz., to procedure. It concluded the labours of the Commissioners, who were appointed while his noble and learned Friend (Lord Brougham) held the Great Seal. He (the Lord Chancellor), therefore, had had nothing to do with the original choice of the learned persons; but he felt it his duty to bear willing testimony to the admirable manner in which they had discharged the task entrusted to them. It was impossible to read their Reports without being strongly sensible of the industry, intelligence, accuracy, and acuteness the Commissioners had displayed. They had treated every part of the subject at once in the most comprehensive and in the most detailed manner; and if it should be the pleasure of the House to legislate on the criminal law in the next Session, or on any future occasion, it would be quite unnecessary for their Lordships to apply to any other sources of information; they would find all comprised in the excellent volumes of the Commissioners. He, therefore, felt called upon to express his gratitude as one of the public for the eminent services they had rendered to their country; and his admiration of the learning, industry, and ability they had displayed.

Lord *Brougham* considered it unnecessary, and almost impertinent in him, after what had been so well said by his noble and learned Friend, to subjoin a word. It was true, that his noble and learned Friend had not appointed the Commissioners; but he had added some important and distinguished Members to the body; and among them Sir Edward Ryan, late Chief Justice of Bengal, Mr. Amos, and Mr. Vaughan Richards, the value of whose services was incalculable. Much was due to Mr. Starkie, one of the most eminent criminal lawyers this country had produced. He had given his aid most constantly, and with the utmost possible benefit. The whole of the Reports were now before the country; they formed a complete criminal code, and from them might be formed, without much difficulty, a digest of the criminal law. Little now remained but for the Legislature to reduce these invaluable volumes into the form of a Statute. Last year he (Lord Brougham) had introduced a Bill founded upon one of the Reports of the Commis-

sioners, and to them it had been referred for revision and final opinion. He could not conclude these observations without remarking that, although the Commissioners were now *functi officio*, yet he must implore Her Majesty's Government, and especially his noble and learned Friend on the Woolsack, not to omit this opportunity of securing the services of these Commissioners (others might perhaps be found, but none could be better), by forming them into a board for the systematic revision of all the Statutes submitted to Parliament, including, also, all Private Acts, in whose dark corners much that was highly objectionable often lurked, and remained undetected until too late. Nothing could more tend to facilitate the labours of the Judges than such a simplification of the criminal law as might now be accomplished; and he threw out the proposition of a board for the consideration of Ministers during the ensuing long vacation.

Lord *Campbell*, concurring entirely in the opinions just expressed, of the value of these Reports, expressed a wish that they might not, like other blue books, be laid upon the Table, and allowed to remain there until they were covered with dust. There was not a country of the Continent that had not had its criminal law reduced into form, and published for the benefit of those who were either to administer or to obey it. There was now no reason why the people of this Empire should not enjoy the same advantage; and he trusted that this just reproach upon our legislation would soon be wiped away, and that a criminal code would be prepared for Great Britain.

The *Lord Chancellor* added, that when he said a few minutes ago that the Commissioners had closed their labours, he meant only to refer to the object for which they were first appointed. They had, however, other matters before them, particularly a Bill in which a noble and learned Lord now gazing at him felt a peculiar interest. The Commissioners were also considering the manner in which the country might practically avail itself of their Reports.

Lord *Brougham* agreed, that it was most unfit to allow these Reports to become covered with dust: in order to prevent it, he had last year reduced one of the Reports of the Commissioners into the form of a Bill, which was at present under the revision of the Commissioners. He hoped that Ministers would bring it forward next Session; and, supported by their weight and authority, it could not fail of success. If they did not, he gave notice that if he were spared, he would, and his only doubt was, whether the system of our criminal law ought or ought not, like that of France, to be divided into two parts, one of which was called "Le Code Final," and the other "Le Code de Procédure Criminel."

Report ordered to lie on the Table.

House adjourned.

HOUSE OF COMMONS,

Friday, July 25, 1845.

MINUTES.] NEW WRIT. For the City of Hereford, *v.* Edward Bolton Clive, Esq., deceased.

BILLS. *Public.*—1° Sewerage, Drainage, etc., of Towns; Fees (Criminal Proceedings).

Reported.—Documentary Evidence; Assignment of Terms; Death by Accidents Compensation; Deodands Abolition (No. 2); Libel; Church Building Acts Amendment; Taxing Master, Court of Chancery (Ireland); Granting of Leases; Real Property (No. 3).

3° and passed:—County Rates.

Private.—1° Severne's Estate.

2° Sampson's Estate; Duke of Bridgewater's Estate; Dick's Estate; Marquess of Donegal's Estate; Winchester College Estate; Bowes's Estate; Marsh's (or Coxhead's) Estate.

Reported.—Eastern Counties Railway (Cambridge and Huntingdon Line).

3° and passed:—Ellerker's Estate.

PETITIONS PRESENTED. By Mr. Lockhart, from Inverleithen, and Traquair, for Better Observance of the Lord's Day.—By Mr. Darby, from Clergy of Lewes, against Union of Saint Asaph and Bangor.—By Mr. C. Buller, from Stockholders of New South Wales, for Repeal of certain Acts relating to that Colony.—By Mr. Denison, from Relatives of Settlers in New Zealand, for a Change of Policy towards that Colony.—By Mr. Darby, Viscount Newport, Mr. Newdegate, and Mr. Spooner, for Relief from Agricultural Taxation.—By Mr. Darby, from several places, for Repeal of the Malt Duty.—By Viscount Jocelyn, from Belfast, for Alteration of Law relating to Appraisers (Ireland).—By Mr. G. W. Hope, from Southampton, for Establishment of County Courts.—By Mr. Bankes, from several places, in favour of the Ten Hours System in Factories.

The House met at twelve o'clock.

CORPORATE PRIVILEGES (SCOTLAND).] Mr. *Hume* put the question of which he had given notice, namely, what was the intention of the Government as to the removal of the vexatious and exclusive privileges of trading, and the exercise of crafts enjoyed by the incorporated trades in the burghs of Scotland?

The *Lord Advocate* said, the Report of the Commissioners inclined towards the abolition of these exclusive privileges; and as great weight was due to their opinion, it had made a strong impression on his

mind that there was not that necessity for these privileges which once existed; he thought that, to some extent, inconvenience was caused by them. On the other hand, it was proper he should state, that interests of a charitable nature had grown up which were connected with the preservation of these rights; but the Report did not state what was their extent. It would be necessary to be cautious in dealing with such matters.

THE CHARITABLE BEQUESTS ACT (IRELAND).] Mr. *Sheil* begged to put a question to the Home Secretary, of which he had given him notice. His noble Friend the Member for Arundel had on a former occasion put a question to the same effect; but the answer then given to him by the right hon. Baronet was not considered in Ireland to be as explicit as it should have been: he, therefore, wished to ask the right hon. Baronet whether it were the intention of the Government, early in the next Session, to bring in a Bill to amend the Charitable Bequests Act?

Sir *J. Graham* said, he was most anxious that the answer should be explicit. It was expedient that it should be so; and he thanked the hon. Gentleman for having given him notice of the question. There were two points as to which he proposed to alter the Bill next Session. The first related to matters affecting the doctrine and discipline of the Roman Catholic Church. By the Act as it now stood, if there was a bequest in favour of a dignitary of the Roman Catholic Church, or of a parish priest, and a dispute arose as to the title of the party claiming it, such a case was now, as the Act stood, referred to the decision of the Commissioners. It appeared, however, that by a canon of the Roman Catholic Church, such a question must be decided by an authority exclusively ecclesiastic. The Government intended to remove that difficulty by making the certificate of the ecclesiastical authority conclusive as to the rights of the parties. The next point as to which the Government proposed to make an alteration, was this:—the monastic orders in Ireland considered themselves injured by one of the provisoes at the end of the 15th Clause. He had stated when he introduced the Bill, that it was not intended, either directly or indirectly, to affect the position of the monastic orders. Whether that was or was not carried out in the Bill, it was the intention of the Government explicitly to declare that the monastic orders were not affected by the enactments of the Bill. There was also another point as to which it was intended to vary the enactments of the Act of last Session. By that Act, the Law of Mortmain was extended to Ireland, where, in fact, it operated with more weight than it did in this country; so that it was impossible for a party to leave any quantity of land, however small, for the site of a chapel, glebe house, or hospital. The Government proposed to relax this provision so as to allow land, not exceeding five acres, for instance, to be left for such purposes. He hoped the right hon. Gentleman would think this answer sufficiently explicit.

Subject at an end.

FREE CHURCH OF SCOTLAND.] Mr. *P. M. Stewart* rose, pursuant to notice, to call the attention of the House to the petition of the Rev. Patrick Macfarlan, Moderator of the General Assembly of the Free Church of Scotland (presented June 24), complaining of the refusal of sites to congregations of that Church. He stated that the petitioners represented that the General Assembly of the Free Church had the spiritual guidance of one-third of the population of Scotland; that 470 of the clergy of the Church of Scotland had left it for the Free Church, which now had 620 clergy and 800 congregations; that 726,000*l.* had been subscribed for the general purposes of the separation, of which 300,000*l.* had been appropriated to the building of churches. They further stated that the landlords refused to allow them to purchase sites for their churches. Owing to the land being in large quantities in few hands, this refusal operated as a great hardship upon them. The congregations had no place in which to meet for worship, so that they were obliged to go into the high roads or under the hedges to perform their devotions. All that the petitioners wanted was permission to purchase land for sites for their churches at a fair and equitable price, but this was refused to them. The hon. Member proceeded to mention some cases where the refusal of sites had operated as a hardship on congregations. In one place in Rossshire, where the parish occupied an area of twenty miles, such was the spiritual destitution of a portion of the district, that the Government had gone to the expense of erecting a church. There was a case in point in a locality which must be known

to the right hon. Baronet (Sir J. Graham), namely, Canoby; he felt certain, however, that the right hon. Baronet would never have been the author of such sufferings. The congregation consisted of 500 people, all of whom had been compelled to betake themselves to the high road in order to engage in religious worship. The hon. Member read a letter from the Rev. Mr. Guthrie, the minister of the congregation, who stated that the most sacred ordinances of religion had been dispensed in the open air; and that he had seen 500 persons at once, who, in consequence of exposure to sleet and snow, were as wet as if they had been dragged through the river Esk, which rolled at their feet. There were three men in particular, it was alleged, whose countenances bore the stamp of death; and indeed the weather was bad enough to hurry them to that place "where the wicked cease from troubling, and where the weary are at rest." Such were the sad statistics of many parishes and of thousands of parishioners in Scotland at this moment. It was only justice to those who were the proprietors of the districts where such scenes occurred, to suppose that they did not know the full extent of the miseries endured, for otherwise the remedy sought would surely come from them. He trusted that the House, the Government, and the proprietors, would assist in bringing about a better state of things. Viewing the matter simply as one of temporal policy, if districts twenty miles square in extent grew disorganized in consequence of the people not being able to attend church as they had formerly done, what but calamity could be the result? He might refer to the city of Westminster as affording an illustration of what he meant. The House might not be aware that they were sitting at that moment in one of the most dark and destitute portions of the metropolis. It was, however, proved by statistics which had been verified, that the greatest evils had arisen in the parishes of St. John and St. Margaret, Westminster, from a state of things, unopposed, similar to that which then existed in many parts of Scotland. Were the Government aware that in those two parishes, for a population of 56,000 persons, there were sittings in the Established Church for only 7,000, and in the Dissenting chapels for 6,000, making altogether 13,000 sittings, of which 5,000 were never occupied? The obstacles to the Dissenters procuring building leases were so formidable that they could not obtain sites for chapels without incurring very great expense. Although the Dean and Chapter of these parishes received upwards of 30,000*l.* a year, they did not instruct daily as many as 3,000 souls out of a population of 56,000. There was a clause in their leases precisely similar to that with which they were threatened in Scotland, against the erection of any Dissenting place of worship, or the use of any tenement for Dissenting purposes. Freeholds were only to be obtained at very great cost. Within the last fortnight it had been ascertained by a city missionary, that there were 2,000 families, including a population of 10,000 souls, unpossessed of a single page of the Scriptures. Thousands of the children were uneducated; poverty, wretchedness, irreligion, and crime abounded; and he had been assured that day, by a most benevolent individual who strove to relieve this mass of misery, that such was the demoralized condition of the district, owing to the slumbering state of the Church and the exclusion of Dissenting aid, that there were various places where they would not be even personally safe. He merely mentioned this as an illustration of the effect of not giving a fair field to all denominations. Two Sundays ago there were 600 shops open in Westminster between the hours of nine and eleven in the morning, 200 of which were public houses. It must be remembered, too, that the leases which positively excluded Dissenting places of worship, contained no prohibitory clause against houses for immoral purposes; and there were, in fact, upwards of 130 such houses under the very eye of the Dean and Chapter themselves. Now, such, he repeated, was the state of things with which they were threatened in Scotland. The only reason which he could imagine as influencing those who refused to grant sites, was the expectation of a change in the feelings of the people; but to talk of change in a matter of that kind was proved by the history of Scotland to be absurd. He would recommend the Government to look at public opinion on this subject. As a Scotchman, he naturally felt warm and indignant on such a topic; but he would quote the opinion of two persons who might be in a better position to pronounce a judgment. The first was that of a distinguished East Indian friend of his, who had been engaged in the late glorious transactions in Cabul. That gentleman

said he could hardly believe the facts which were alleged. In the Punjaub, the Sikhs, who were a sort of degenerate Hindoos, although they hated the Mussulmans, allowed them to build mosques in every part of the country; and in Cabul itself, which was the focus of Mahomedanism, there were Hindoo chapels. Toleration prevailed to such an extent that those who hated each other most cordially, did not prevent the erection of temples by their adversaries for religious worship. The second opinion to which he would refer was that of M. Merle D'Aubigné, who having recently visited this country, was now on his way to Switzerland. In writing to Dr. Chalmers, M. D'Aubigné said—

"I will tell you frankly, dear and venerable brother, that this refusal of sites is, perhaps, the only painful impression which I carry away from Scotland. A foreigner comes into a land as into that of the gospel and liberty; and he sees there, things which are not to be met with under the most despotic Government of the Continent. How can this denial of religious liberty accord with the national character of Scotland?"

Such was the view taken of this matter by the historian of the Protestant Reformation. But he would not enter further into this painful subject. He had been asked why he brought this matter before Parliament? The General Assembly of the Free Church would not have come there had they not exhausted every other means of obtaining shelter and protection for those under their care. They came to that House as the guardians and representatives of the sufferers. He hoped that the result would be that the thousands and tens of thousands whom they represented would not be again exposed to the miseries which they had heretofore endured; but would be admitted to the free enjoyment of that toleration which was once a great element and a bright ornament of the Constitution under which they lived.

Sir *J. Graham* said: The hon. Gentleman who has just sat down has rightly designated this subject as a painful one; and I cannot say that I think the hon. Gentleman at all to blame for calling our attention to it. It is quite clear that it is a subject on which legislation is not possible—one with which public opinion is alone competent to deal. The hon. Gentleman has mentioned certain facts with reference to the parishes of St. Margaret and St. John, in this immediate vicinity, showing that there is great spiritual destitution, great want of religious instruction in the district. I have not the means either of verifying or of contradicting his assertions; I can only express my deep regret if the statements are well founded, and my earnest desire that, in that case, a speedy remedy may be provided for evils so injurious to the welfare of society. I now apply myself to the subject matter of this petition. I am sure the hon. Gentleman and the House will do me the justice to remember that upon no occasion when the subject of the recent disruption of the Church of Scotland has been brought under our consideration, have I failed to express my heartfelt and deep regret at an event which I consider most deplorable, and which has made a fatal inroad upon the happiness and peace of that country. I deplore what has occurred as deeply and as earnestly as it is possible to lament any public event. I cannot but bear in mind that the great body of proprietors in Scotland are Episcopalian, and that there has never been on the part of the authorities of the Presbyterian Church before the disruption took place, any jealousy of Episcopalians, or any wish that they should not enjoy the utmost toleration in the exercise of their religion. I quite concur in the sentiment contained in this petition, that the meanest peasant in the country is equally entitled to all the benefits of toleration, and to the free exercise of his religion, without let or hindrance, with the proudest, the richest, and the most extensive proprietor. I must also mention another circumstance adverted to in this petition, which is, I think, very important. I mean the circumstance that this dissent, fatal and extensive as unhappily it is, after all, arises not from any difference with respect to the fundamentals or essentials of the Christian faith, but from a difference with respect to a matter of discipline, which, though important indeed in itself, is, as compared with doctrine, light as dust in the balance. Having expressed my opinion on these two preliminary points, I will own to the hon. Gentleman and to the House, that I have not been careful to examine the particular facts set forth in this petition with respect to the refusal of sites. I know not whether there has been any exaggeration in this petition; but I do fear that, in the heat, and, perhaps, I might add, the anger consequent on so sudden a breach in so great an establishment, there may have been, as the first not unnatural effect of such a disruption, a refusal in many cases to grant sites

where, perhaps, a strict justification of that refusal might be difficult. But I must say, I do not think the blame is exclusively on one side; for, though, on the one hand, I cannot think that such a state of things as the hon. Member has described can, in a Christian country and in the present age be justified; on the other hand, many landlords have been publicly assailed, in the midst of the sacred ordinances of religion, with the most unseemly rancour; and, of course, in consequence of these attacks, their feelings have been excited to exasperation. But when it is remembered, that the cause of quarrel leading to these fatal results was originally light and trivial—trivial, I say, when compared with matters of faith and doctrine—hopes might have been entertained that the disruption might not have been permanent, and that the differences were capable of adjustment; but these hopes in the lapse of time have vanished; and, as these hopes have vanished, the necessity for toleration becomes greater; and it might have been expected by those who have gone out of the Establishment, that this indisposition to grant sites for places of worship would have passed away. However, the petition acknowledges that sites have already been granted in cases where they had been refused before. The evil, therefore, of itself is passing away. Of this petition I must say this, that the prayer is most reasonable. It states what is the desire of the petitioners. The petitioners desire that they may be at liberty to purchase sites for their churches, in order that their congregations may assemble together for divine worship in circumstances of decent comfort, without let or hindrance. Now, I must say, that if I were a Scotch proprietor I should feel disposed to grant this request. But I am bound in justice to state, that that is not the request which has been made in many cases to the Scotch proprietors. The demand has been made to obtain sites for the seceding Church in immediate proximity to the Church of the Establishment, for the purpose of ostentatious rivalry. Now if I were a Scotch proprietor, friendly to the Establishment, I could not grant that request. I should endeavour to restrain that spirit of hostility in its most offensive form, which seeks to place the Secession Church opposite to the Established Church; and I must say, I believe that sites offered with a view to general convenience have been refused, and it has been said, "We will have our sites close to the Established Church;" and if that was the claim, I say again, I, as a Scotch proprietor, should resist; but I am not a Scotch proprietor, and in what I am stating I should be very sorry to be supposed to speak in an angry spirit to the members of the Secession. Something has been said with respect to one of my Colleagues, the Lord Privy Seal. Now, I am sure that there is not a kinder, a more generous, or more noble person; and I know by experience that he is desirous, in all his decisions respecting his property, to do what is satisfactory to his neighbours. With respect to another of my Colleagues against whom the tide of religious dissent has set with violence—I mean Lord Aberdeen—I can only say, that within six weeks of the secession having taken place, and when hopes of reconciliation were no longer rational, my noble Friend did provide a site for one of these churches on his estate, without difficulty, and offered it in a manner most satisfactory to all; and this was the first site, I believe, that was granted in Scotland to the Secession Church by any landed proprietor. On the whole, I think each case must be decided with reference to its own peculiar circumstances—with reference to the number of Dissenters in the parish, and in some degree also with reference to the facilities for attending places of worship in the neighbourhood. Speaking generally, the prayer of this petition, I think, is reasonable; and although I am afraid the hope of a return to the Establishment is diminishing, still, taking all circumstances conjointly, I entertain the most sanguine hope that there will be no ground of complaint against the Scotch proprietors in future on account of the refusal of sites. I hope the hon. Gentleman will have no cause to regret having introduced this discussion, and I should be very glad that anything falling from me should have the happy effect of diminishing irritation on this subject. I cannot hope that reconciliation is any longer possible; but I do hope and expect that toleration will be practised, and every facility for public worship be afforded by the landed proprietors of Scotland to their dissenting brethren and neighbours.

Mr. *Hawes* held in his hand a pamphlet containing statements of the most painful and humiliating character, in reference to the refusal of sites; but it did not appear that any of the proprietors who refused sites assigned the reason given by the right hon. Baronet. On the

contrary, the factor or agent of the proprietor assumed to himself the right of fixing the place in which the church should be built, and in many cases sites were granted for Roman Catholic Chapels, while they were refused for the Free Church of Scotland. A petition from the people of Eigg, addressed to the proprietors, and worded in the most simple and touching manner, was answered by a long communication filled with cold and unpitying sarcasm, and denying their request. He thought it would be productive of great mischief to exasperate by such refusals the minds of the people of Scotland.

Mr. *Cardwell* thought it his duty to vindicate the character of Dr. M'Pherson, the principal landed proprietor on the Island of Eigg, from the charge of religious intolerance; such feelings were wholly alien from his character. There were circumstances which rendered him unwilling to grant a site, but the unwillingness did not arise from religious intolerance.

Mr. *Hume* expressed himself highly gratified with the statement of the right hon. Baronet, and hoped that ere long religious rancour and hostility would be entirely done away with in Scotland.

Mr. *Sheil* understood from some of his Scotch Friends that the Seceders in Scotland were rapidly becoming the majority. It was incumbent on the Government to guard against the growth of disaffection among them. The Government should take into consideration whether it was not far wiser to prevent in time the great calamity which was impending over Scotland, and, instead of relying on the discretion, or, he should rather say, the caprice of individual proprietors, to take measures for providing for the religious worship of the majority of the Scottish people, and to attach them to the State by honourable bonds. If the *regium donum* were given to the Presbyterians of Ireland, it seemed to him anomalous to withhold a similar grant from the Free Church. The Government should make terms of the most satisfactory kind with the Scotch. He believed the Scotch Church did not refuse endowments. It might, perhaps, be considered indecorous in him to meddle with what was going on in Scotland; but he had seen so many disasters in his own country, arising from the alienation of the Church from the State, that he thought the Government should adopt some such expedient in reference to the Free Church as that he had mentioned. If houses and chapels were to be built for Roman Cathiolc priests, it was not right to allow the members of the Free Church to remain in a condition which excited feelings of religious rancour between them and the proprietors.

Mr. *Pringle* said, the statements of his hon. Friend, the Member for Renfrewshire were entirely *ex parte*. The proprietors of land referred to, had strong reasons for refusing the sites required. The secession had not been near so numerous as had been stated. He would caution the House not to give any credit to *ex parte* statements on this subject.

M. *Hindley* expressed his satisfaction at the separation that had taken place between the Free Church and the Established Church in Scotland. He thought that the results of that separation showed the power of the voluntary principle. He was glad to see the extension of the voluntary principle as well as its complete success, and he wished to see that principle extend to all parts of the United Kingdom. He regretted that some individuals had interfered in an unsatisfactory manner with respect to the Free Church. He was happy to say, that even in Westminster, schools in connexion with the voluntary principle were in a flourishing condition, and gave an excellent education to a large number of children. He was anxious to see the extension of the voluntary principle.

Mr. *Borthwick* said, that when so much was stated with respect to the voluntary principle in educating the poor, the exertions of the Established Church ought not to be overlooked with respect to a question of this kind. He had taken a great interest in this subject, and had seen the useful and advantageous education which was given by the Established Church to the poor of this country. He regretted that any observations should have been made respecting the conduct which certain noble Lords had pursued on this subject. He thought, after the public statements that had been made by those individuals, it would be impertinent for him to make any observations on the subject. He was sure, that the defence which had been made by those noble individuals would be found perfectly satisfactory to the public.

Discussion terminated.

LIGHT GOLD—THE CURRENCY.] Mr. *Spooner* presented petitions from farmers

in Warwickshire, complaining of agricultural distress; and from Mr. Taunton, of Birmingham, complaining of the errors of our existing system of currency.

Mr. *Newdegate* also presented petitions from farmers in Warwickshire, to the same effect as those presented by Mr. Spooner.

Mr. *Spooner* subsequently rose, and said that he had a petition to present from a most respectable individual, Mr. Andrew Spottiswoode, who had signed a petition as Chairman of the Society for the Emancipation of Industry. The members of that Society traced the extreme depression, so much to be deplored among agriculturists in this country, and prominently among them the labourers, mainly to the present state of the national currency. The petitioner prayed that an inquiry might be instituted to ascertain the cause of the distress.

Ordered to lie on the Table.

On the Motion that the Order of the Day be read, for the House to go into Committee of Supply,

Mr. *Hume* called the attention of the House to the loss to the public by light sovereigns, and that some offices should be appointed by the Government to receive light gold at the intrinsic value, according to the number of grains deficient in the average weight, and not allow the loss of 6*d.*, more or less, to the holder of the coin, according to the will of the person who was to receive the coin. The proclamation issued some time ago, relative to light gold, subjected the public to a loss of from 4*d.* to 6*d.*, or even more, on sovereigns which were deficient in weight; and this loss fell principally upon the poorer classes. Supposing the deduction on each light sovereign to be 6*d.*, the loss sustained by the public would be 75,000*l.* a year. Unless some alteration was made in the present system, he was convinced that a general desire would be excited to return to the system of 1*l.* notes, which would enable persons to avoid the loss they now incurred upon bullion. It was entirely owing to the negligence and carelessness of the Chancellor of the Exchequer that the loss to which he referred had been sustained by the public. The Chancellor of the Exchequer was quite callous to his appeals, for he had brought forward this subject three or four times, and the right hon. Gentleman had never thought fit to notice it. He would now, however, move a Resolution in the nature of a vote of censure upon that right hon. Gentleman for his negligence, which he hoped would have the effect of leading him to bestow some attention on this important subject. He begged to move that—

"An humble Address be presented to Her Majesty, to represent that, on the last occasion, when the light gold coin of the Realm was called in, a considerable loss, attended with much inconvenience to Her Majesty's poorer subjects, occurred, having been in a great degree caused by the neglect of Her Majesty's Ministers, in not making timely preparations for receiving the light gold coin at its intrinsic value at convenient places in the several towns and districts of the United Kingdom, and humbly to request that Her Majesty will be pleased to give directions to guard against similar scenes of loss and trouble for the future."

Mr. *Spooner* seconded the Motion, and said the hon. Member for Montrose had brought a very important Motion before the House. He had fully made out his case, and had shown that the poor man had been greatly injured by what he had justly styled the neglect of Her Majesty's Government. But there was a large and important class to whom the hon. Member had not alluded, viz., shopkeepers and retail dealers in general. Competition compelled them to receive light coin at its nominal value; but they had no means of disposing of it but in payment of the debts they had incurred in the purchase of goods. Then the loss between intrinsic and nominal value was tested, and fell on them. This could not be avoided; for if the Government were to take in the light coin at its nominal value, it would open extensive doors to fraud; but in addition to this loss, the holders of the light coin were subjected to the risk and expense of transmission to London. That risk and expense the Goverment ought to bear. A place ought to be appointed in the centre of every important district, where light sovereigns might be exchanged. He hoped that the present Motion would be the means of calling the attention of the Government to the subject. But important as the Motion was, it was only part, and a comparatively small part, of that great and momentous subject—the monetary system of the country. He approached this question with much diffidence; he could not forget what passed last Session, when his right hon. Friend at the head of the Government, holding up a book, denounced its contents as nonsense—denounced also the borough which he (Mr. Spooner) had the honour to represent, as being the only town where two men could be found to write such nonsense. Agreeing with nearly every

part of that book, he was willing to take a due share of the obloquy attempted to be thrown upon it. With regard to the authorship, he had nothing to do with it; nor did he even know, when the papers first appeared in a periodical, who was the author; and would, therefore, not assume a merit which did not belong to him. If, however, that book contained nonsense, he had the consolation to know that it was nonsense which had received the sanction of the right hon. Baronet the Secretary for the Home Department. That right hon. Gentleman had, in the year 1826, published a book containing the same principles, and enforcing the same views, which the right hon. Baronet at the head of the Government had so stigmatized. His (Mr. Spooner's) object in calling the attention of the House to this subject, was to point out what he believed to be the situation of the country at the present moment. They had succeeded in bringing back gold, manufactures and commerce were flourishing—agriculture alone was depressed. On former similar occasions, some time after these evidences of returning confidence and commercial prosperity, the prices of agricultural produce began to rise; and whenever they became high, all other things advanced beyond the continental level of prices; gold became the cheapest article of export, the export of manufactures ceased, and panic ensued. He believed they were now approaching a similar crisis. He formed that opinion from a review of the past, which was the best index for the future. To take this review effectually, they must begin with the year 1797. Previous to that year, a very great and long-continued depreciation had been going on; gold had been gradually leaving the country; paper was increasingly substituted in its stead, till, in 1797, the gold was all gone, when measure was adopted by Mr. Pitt, which the right hon. Baronet had also denounced, and called a "fatal" measure. What were the circumstances under which that measure was passed? What were the measures which the right hon. Baronet would have substituted? A mutiny at the Nore, all Continental alliances broken up—single-handed was this nation left to contend against the revolutionary spirit which overwhelmed the whole of Europe. The master-mind of Pitt called forth the credit of the country, aroused its latent energies, established that system which enabled the country to conclude a long and expensive war on the glorious field of Waterloo, and to dictate peace within the walls of Paris. A fatal measure! If there was anything fatal in the measure, it was that it fell to be carried out by statesmen who were incapable of understanding it, and committed the very blunders which the great master-mind who framed it feared they would fall into. In proof that Mr. Pitt did foresee the danger, he would read an extract from a book which was of very high value, which he esteemed himself fortunate in possessing, because it was now a very scarce book, and what was most remarkable was, that the scarcity of the book came all at once. It was formerly in all booksellers' shops; now, not a single copy was to be had. ["Name!"] The name of the book was—"*Graham on Corn and Currency.*" [The hon. Member then read the extract, which was to the effect that Pitt deprecated equally an unlimited currency and a sudden contraction.] The successors of Pitt, the hon. Member said, fell into both errors. Ignorant of the mighty power which they had to wield, they first unconsciously depreciated to an extent they did not contemplate, and thus found the means of supporting the large expenditure of the war; at the conclusion of which, reckless of all consequences, they suddenly contracted the circulation, and enormously enhanced the value of money. In 1810 and 1811, Committees of the House sat on this subject. He knew not if hon. Members had read their Reports; but being convinced that the subject would soon force itself upon the consideration of the House again, he would exhort hon. Members to make themselves complete masters of those Reports. On these Committees sat some of the ablest men on the opposite side of the House, and they stated what he thought was a mere truism—but which was strenuously opposed by hon. Members on this side—that the currency was greatly depreciated, and that that depreciation ought to be marked and arrested. The Government met this proposition by the monstrous Resolution, that a pound note and a shilling were equal to a guinea, though it was well known that light ones were then selling for 25*s*. Ay, Lord Bexley denied the existence at any time of any fixed unvarying standard of value. So we went on to the end of the war, and in 1815 great preparations were made for returning to a metallic currency. This produced universal distress. This distress evinced itself in the low price of

manufactures, which, from their low price, found their way into foreign markets, and brought back gold. Gold thus flowing back, confidence was restored, and the country began to return to a state of prosperity. In 1819 the Bill was introduced, which the right hon. Gentleman would forgive him for designating by the epithet which he had given to the measure of Mr. Pitt. That was a fatal measure; for we were called upon to return, not merely to the old standard of value, but to a standard at least 15 per cent. higher than it had ever been before in this country. The old standard was a joint standard of gold and silver, and gave the option to the debtor to pay in either. The coin was also protected by heavy penalties from being melted or exported. Coin may now be melted or exported at the will of the holder. I do not say that this change might not be a proper one; but, inasmuch as it gave an increased value to the coin, the coin itself ought to have been depreciated to have met that increased value. Under the plea of keeping faith with the creditor, there was a breach of faith with the debtor, for he was called upon to pay in a higher standard than had ever existed before. But there was a greater breach of faith than that. By the Resolution of 1811, all persons had been led to make their engagements under the conviction that the pound in which their contracts were made and their dealings took place, was the ancient pound sterling; that there had been no departure from the ancient standard; and, therefore, it was impossible for them to contemplate a return to that from which there had been no departure. At the close of the war, Government, composed of men of the same political party who had thus deluded them into the belief that the standard had never been departed from, now called upon them to pay their engagements in what was falsely called the ancient standard of value. [Here, Sir James Graham having returned, the hon. Member repeated what he before said about his book, and asked the right hon. Baronet where copies of his book could be had?] Afterwards came the distress of 1820-1-2, which, in 1822, had produced such discontent and alarm, that the late Lord Londonderry came down to the House, and truly assigned the distress of the country to the operation of the Bill of 1819; and introduced several measures extending the currency, and departing from the principle of the Bill. These measures were successful, and the distress of the country was relieved. But the Bill itself was not repealed; and, not being repealed, the prosperity so produced was only temporary, and in the end produced the panic of 1825, which few who witnessed it would forget till their dying day. But he (Mr. Spooner) remembered that in the June before, the present Lord Ripon, then Chancellor of the Exchequer, gave a most glowing description of the prosperity of the country at that time; and warned Mr. Brougham, who had a notice of Motion for reform in Parliament, to remember that that prosperity had been dealt out to the people through the ancient portals of the Constitution. That same noble Lord, in the month of February, 1826, came down to the House deploring the heavy calamity which had overtaken the country; and that calamity he attributed to great speculation produced by the excessive issues of country bankers. The father of the present hon. Member for Chichester, clearly and strongly exposed, at the time, the absurdity of this opinion, and its inconsistency with the noble Lord's statement a few months before. Prosperity in 1825, had been restored in the way it had ever been; the price of our manufactures having been forced down to a ruinous extent, again found a market on the Continent, and bullion flowed into the country. The effects of the panic of 1825 were long felt; and prosperity was not restored till our manufactures having again been reduced, the same results followed. In 1837, the American panic took place, which was but short in itself, and was followed by the short-lived prosperity of 1838; for in 1839 the Bank of England was compelled to borrow gold from the Bank of France. In 1842, prosperity began to return; and the right hon. Baronet, who saw these things as clearly as any man in the House, fearing lest the return of prosperity should again be followed, as it had always been, by panic, brought forth his Bill of 1844, "a complement," as he called it, to the Act of 1819:—a measure, which at the time it passed, and frequently at subsequent periods, had been erroneously designated as a final measure—one that had for ever settled the question of the currency. Where, then, the finality of the measure of 1819, if it required such "a complement?" He (Mr. Spooner) admitted, that if the Bill of 1819 was right, that of 1844 was necessary. The object of that complement to the Bill, was to limit the currency

within such bounds as would prevent prices rising above the level of those of the Continent, and so to keep gold from leaving the country. He doubted if it would work; if it did, it could only be by permanently reducing prices to the level of the Continent. And he particularly called the attention of hon. Members connected with the landed interest to this point. The hon. Member then read the following extract from Sir James Graham's book:—

"With confidence I assert that the law which fixes the standard of value at 3*l.* 17*s.* 10½*d.*, and compels payment of paper in specie on demand, establishes also 50*s.* the quarter as the average maximum for wheat in a series of years. It is shown by the Eton College tables, that, for 150 years prior to 1793, the average price of wheat, calculated in periods of ten years, was about 51*s.* the quarter. With the same standard we must have the same price; there is no escape from the dilemma; and if the landowners would preserve their estates, either the standard must be adjusted to their incumbrances, or their incumbrances to the standard."

Now his (Mr. Spooner's) opinion was, that there was no remedy except through a complete investigation of this question, and an abandonment of the principle of the Bill of 1819. He had watched for an opportunity to bring this subject under the consideration of the House, and had hoped to have been able to have done so upon some one of the various occasions when the difficulties of agriculture were under discussion. But, owing to the great number of speakers, and the late hours to which the debates were protracted, he had not been able so to do. But being thoroughly convinced that a continuance of the present system must produce a return of panics so much to be deprecated, he thought it his duty to state his opinions to the House, not with the view of recommending at that time any remedy, but with the hope of inducing hon. Members to investigate the subject. He believed that the immense mass of gold which had been attracted to this country would not long lie dormant. Speculation had already begun in railway shares; in 1825, it was in foreign mines, and therefore was sooner felt; but it would be the same thing over again: confidence would be restored, the prices of manufactures would rise, and there would be an end to our export trade. The state of the iron trade within the last few weeks, proves the accuracy of this view; the price of iron had rapidly risen, and almost immediate countermand of orders for goods manufactured of iron, took place on the part of exporting merchants. It was a remarkable fact; but all who had watched the course of events as he had for the last thirty years, were aware that, under the existing system, manufactures, commerce, and agriculture never permanently simultaneously flourished; and here let him address a few words to the advocates of free trade. What would be the effect of a free import of corn? A corresponding export of bullion. The demand for our manufactures would not instantly be created in countries whence we should draw our supplies of free corn: it must be the result of long commercial intercourse. Habits of consumption must be created before demand arises: this could only be done by making them rich, and ourselves poor. The effect of this drain of bullion would be first felt severely by the manufacturing interest. Money would become scarce, and credit embarrassingly restricted. The commercial interest, as an interest, would recover; many would be ruined, but new firms would rise; and the pressure would ultimately and permanently lie on the agricultural interest, whose incumbrances could not be shaken off, while the value of their estates would be completely changed. Nobody would benefit but the capitalists; and if the system of the right hon. Baronet could be permanently established, and gold kept in the country at the standard present price, it must be by sacrificing the agricultural to the money interest; but should this system fail, there would be such a panic as had never before been experienced. In all former panics, there had been a safety valve for the Bank of England; that safety valve by the "complement" of 1844 had been destroyed. A demand for gold first arose from a turn in the exchanges; in self-defence the Bank was obliged to make money scarce to bring back the gold. This created distress in the monied world, confidence was destroyed, and then was created panic, and another and far more extensive demand for gold. As soon as the exchanges turned, and gold again began to come in, the Bank merely increased its issues, in order to restore confidence, and arrest the drain which had arisen from panic. It could not do so now; it could not issue notes upon the expectation of gold; it must wait till the gold had actually returned. Before he concluded, he would just advert to what he considered a prevalent and dangerous

error. Many who agreed with him respecting the character of the measure of 1819, imagined that its effects were all over. Upon this point he begged to quote from a work that had just appeared, written by Mr. Alison, who, in his judgment, and in the judgment of many others, was a high authority on the subject; and upon this point he said:—

"It is often said, that the Bill of 1819 was a great error; but that it has been got over; that prices have become accommodated to the new scale; that the sufferers by it are bankrupt, dead, and buried; and that every thing would be thrown into confusion again if any change were now made. There never was a greater mistake. The 700,750,000*l.* of the National Debt has not become accommodated to the change. The 1,000,000,000*l.* of private debt in the community has not found its debtors inured to the change. The payers of taxes whose incomes have been lowered 50 per cent. by its effects, have not become reconciled to the change. The manufacturing and commercial classes, exposed every five or six years to a frightful monetary crisis, fatal to a large part of the persons engaged in business, in consequence of the present obligation of the Bank to pay in specie at the Mint price, are not enamoured of it. The farmers, who find the prices received for their produce lowered from 50 to 75 per cent., are not reconciled to it. The landlords, whose embarrassments are hourly increasing, and one half of whom are in a state of hopeless insolvency from the consequent and unavoidable reduction of their rents, are not accommodated to it. The nation, whose resources have been so seriously impaired by its effects, that any increase of revenue from indirect taxation has become impossible, and the *ultima ratio* of an income tax has become indispensable in the thirtieth year of peace, has not become accustomed to it. The evils of the system, as long as it is adhered to, are lasting, corroding, and irremovable. They are not over; they are only in their infancy."

The hon. Member thanked the House for their kind indulgence; he had honestly, although he was afraid, most imperfectly, expressed his opinions. Those opinions had not been hastily formed; they were the result of a close investigation of the subject, commencing in the year 1810. One remark only upon those opinions would he make—that they were at least consistent—he had never denied the existence of depreciation, but had always admitted it to its full extent. He could not be charged with having been one of those who, by asserting that the depreciated one pound note and a shilling were of equal value, for all legal purposes, to a guinea in gold, had induced the country to consent to taxation, individuals to enter into private contracts, and to charge their estates with family settlements and other incumbrances. Neither was he one of those who, having held and enforced these opinions, at the end of the war for the first time, admitted the depreciation, and on the plea of public faith required the payment of the depreciated pound in the gold sovereign at full weight and value, thus increasing every man's debt at least 50 per cent., and diminishing the value of his property in proportion. The hon. Gentleman concluded by seconding the Motion of the hon. Member for Montrose.

The *Chancellor of the Exchequer* declared himself to be totally unprepared to enter upon the whole question of currency as entered upon by the hon. Member, who had gone back to the year 1798, and had brought his ideas to bear upon all the events that had happened in the financial world from that period down to the present day. He did not at all suppose that the hon. Member could think it necessary to call upon the House to visit the present Government with its censure for measures which they had taken two years ago—measures which then met with the general approbation of the House, who appeared to be perfectly satisfied with the explanation then given by the Government. He should now confine his observations merely to the Motion before the House, and endeavour to state the difficulties which would attend the carrying out of the proposition of the hon. Member for Montrose. The hon. Member said that the Government had made no preparation for their measure of 1842 and 1843; but the hon. Member must be aware that since the year 1816 the public had been made aware of the constant depreciation of the gold currency that was going on from year to year by wear and tear. He must be aware that at one time a memorial had been presented to the Government, which was signed by every banker in the metropolis, calling upon them to apply some remedy to this evil; for that if it were not remedied it would lead to still greater evils. The condition of this country was then favourable to a change; and when the hon. Member said that there was no silver coin at the time in the country to meet the difficulty, he begged to remind him that but a few weeks before that general measure of the Go-

vernment there was a general complaint made of the great accumulation of silver in the hands of the bankers, which was calculated to lead to great difficulties. Indeed, a suggestion had been made some years ago by Lord Althorp in respect to this subject, to withdraw the silver from circulation, and have it sold as bullion. For a period of about twenty-six years no notice had been taken of the wear and tear of the gold, during which period the practice of weighing it was discontinued, thereby giving a value to this money which it could not legally possess as current coin. The hon. Member said that no legal means were taken to protect the poor from the consequences of this change. He denied the fact—he did not mean to say that any effectual measure could be adopted that could prevent some evils from arising. Indeed, he (the Chancellor of the Exchequer) knew of a case where a poor man had carried a new sovereign to a shop, and, notwithstanding, he had been compelled to make the shopkeeper an allowance for short weight. The hon. Member for Montrose had indulged in some severe remarks upon himself (the Chancellor of the Exchequer) personally; in doing this he was quite aware that the hon. Member occasionally suffered himself to be carried beyond the bounds of justice under the influence of the moment; and he should, therefore, be perfectly prepared, when the hon. Member should, at some future opportunity, when no relevant topic offered itself, and when, indeed, some totally different subject was before the House, to hear from the hon. Member, incidentally, and by way of parenthesis, an ample apology for the harsh expressions he had used towards him that evening. But to revert to the point under consideration. The hon. Member must be quite aware that the Government could not establish scales for weighing coin in the manner pointed out by the hon. Member; for, if scales and weights were by law to be established in every town, what was there to prevent the inhabitants of villages and hamlets from calling for a similar institution in every petty village or hamlet throughout the country? The law declared that no coin under weight should be received. But, suppose a trader chose to say a coin was underweighted, and either refused to give his goods or to give change for a sovereign unless an allowance were made to him, how could the Government interfere to prevent such a proceeding? The difficulties, therefore, in the way were too great. There were no less than 500,000 sovereigns short of weight offered in the course of the year, and the complexity of such an arrangement as that proposed by the hon. Member was a full answer to his own proposal. But, as he had already stated, the Government had taken precautions to protect the poor. Orders had been given to all the postmasters throughout the kingdom to take light coin at a diminution of 3*d.* for each sovereign, if the person tendering it chose to part with his gold on those terms; and besides, every post-office was ordered to keep a weighing machine in order to detect light coin. Having said this, he trusted the House would agree with him in not deeming the present to be an occasion when the whole monetary system and all its collateral branches ought to be made the subject of a debate, and he ventured to entertain a hope that he had said all that was necessary to vindicate the conduct of the Government with respect to the particular subject of the Motion before the House.

Mr. *W. Williams* denied that the right hon. Gentleman had satisfactorily replied to the hon. Member for Montrose. No one who had not, like himself, been in the constant habit of receiving a most voluminous correspondence on the subject of light sovereigns could conceive the extent to which the labouring classes had suffered by that species of fraud or deterioration. There had been no public notices issued that the postmasters throughout the kingdom had orders to take all light coin at a loss of 3*d.* upon each sovereign.

Sir *R. Peel:* Sir, I am disappointed at being absent during the first part of the speech of my hon. Friend the Member for Birmingham; but that part of it which I heard, convinced me that my hon. Friend has established another claim on the constituency which he represents. Some portions, however, of his speech do anything but bear out his argument; for while the one seems to be in favour of a convertible issue of paper money, the other is in favour of an inconvertible issue. My hon. Friend, however, proposes one remedy; he studiously avoids informing the House in respect to the practical result of his observations. He did indeed refer to the pamphlet of one whom he terms the

greatest philosopher of modern times—Mr. Alison. I have the pamphlet in my hands, and what does it say? I shall read an extract or two to show the House what are the pretensions of that gentleman to instruct us on the currency question. I never knew who was the author of the letters of Gemini. A classical man would refer them to Castor and Pollux, but a Warwickshire man always attributes them to Spooner and Attwood. I doubt, however, if Mr. Alison is not entitled to the honours of the confraternity. Mr. Alison [the right hon. Baronet read the extract] recommends an unlimited issue of notes of 1*l.* in value by the Bank of England, with an obligation to pay them in gold and silver at the market price of those metals when presented. But, if that was adopted, gold would soon rise to 6*l.* an ounce, and bank notes of 1*l.* would become the standard of the country. Mr. Alison, however, provides, as he thinks, for this predicament, by suspending those payments in specie when the market price of gold should rise above a certain fixed limit. But suppose the price of gold rose to 10*l.* per ounce, the banks would, in that case, do nothing to depreciate their own paper; that nominal value of the precious metals would consequently be kept up; and as a matter of course, the period would never arrive when the price would fall below the assigned limit. This is the philosopher who is to instruct us on the currency. Now, I ask my hon. Friend when he next brings the currency question under the consideration of the House—it is too late for the hon. Gentleman to do so in this Session, but early next Session—I do hope he will give notice of his intention in the first place, and next that he will propose what he conceives a proper substitute for that Bill of 1819 to which my hon. Friend is so much opposed; and, lastly, that he will acquaint the House and the country with the way in which he would adjust those transactions which have grown up between debtor and creditor upon the basis of the old currency system.

Mr. *A. Smith* assured the House that his own experience amply verified the statements that had been made by the hon. Member for Montrose. The inconveniences that had been felt in consequence of the existing arrangements for changing the light coin were of no trifling character. He sincerely hoped that Government would make arrangements to obviate the evil. He wished also to say a few words on what had fallen from the hon. Member for Birmingham (Mr. Spooner) with regard to the scarcity of silver. In the last twenty-five years, he (Mr. Abel Smith) had been in the habit of hearing continued complaints of this scarcity. He knew, for instance, that the large dock companies had very frequently found it next to impossible to get silver to pay their labourers. This, he believed, was mainly to be ascribed to a dispute that had long been going on between the Government and the Bank of England, as to whether the loss which ensued in the maintenance of the silver currency should be borne by the Government or by the Bank. He considered it most desirable, for the interests of the country, that this question should be set at rest.

Dr. *Bowring* thought nothing could be more unjust than that Government, after having altered the currency, should require individuals to bear the loss that ensued. He found, by some correspondence which had passed between Sir P. Stuart, the Governor of Malta, and the British Government, that when a depreciation in the currency had occurred in that Colony through the acts of Government, a loss of from 8,000*l.* to 9,000*l.* had been defrayed by Government. He conceived the present case was in all respects analogous to that he had just referred to. The Chancellor of the Exchequer had stated that gold of light weight had been received at the Post Office without deduction; but why had not the same arrangement prevailed at other public offices? The inconvenience which resulted to the poor man, in consequence of this depreciation, was much more sensibly felt than was that which fell upon the rich, in consequence of the necessities of the former impelling him to make his purchases, subject to whatever reduction might be demanded. He hoped for the future the arrangements of Government would prevent this wide-spreading evil.

Mr. *Newdegate* said, that he was anxious to make a few remarks upon the highly important question now brought before the House; but must first of all clear himself and his hon. Friend the Member for Birmingham from being held bound by the suggestion for an alteration of the currency, made by Mr. Alison at the conclusion of his pamphlet, as had

been inferred by the right hon. Baronet the First Lord of the Treasury. To that proposal neither he nor his hon. Friend subscribed. They begged distinctly to disavow it. Mr. Alison himself, as shown by the quotation from his pamphlet read by the right hon. Baronet, laid very little stress upon that suggestion. That which was of real and very great value in Mr. Alison's pamphlet, was the historical review of the monetary policy pursued in this country during the last fifty years, and the synopsis of its effects, unto the present time; and he (Mr. Newdegate) thought that no hon. Member who had any knowledge of these circumstances would hastily cast aside the monitions of experience. He (Mr. Newdegate) felt convinced that this subject could not be much longer neglected, and from its great practical bearing upon the interests of commerce and of the country generally, he thought that any Legislature was defective whose commercial policy was uninfluenced by consideration of this important element. Day by day this subject, in one form or another, obtruded itself on their attention. Was not the difficulty in obtaining silver (which had been adduced by the hon. Member for Chichester that evening) evidence of the restricted state of our currency? Was not the loss to the community by wear and tear of our coins (which was the ground of the Motion now before the House), evidence of the expensive character of our monetary system. So long as the domestic trade of the Empire was kept in subjection to those stringent provisions which modern legislation had enforced upon the medium of exchange, so long ought our domestic trade to be a matter of the deepest concern to the House, for it was upon our internal commerce and upon the remuneration of labour that our present monetary system bore with peculiar severity. He (Mr. Newdegate) rejoiced that this discussion had taken place, although he regretted that the House had not had earlier notice of the lucid and most able exposition of this subject given by his hon. Friend the Member for Birmingham. He could have wished that it had fallen earlier in the Session, but still he was sincerely glad that at last the attention of the House had been attracted to this subject. The question of the currency had long been so distasteful to hon. Members, that it was little understood; but to him its action seemed simple enough. Our present monetary system effected a compulsory exchange between labour and gold, or its representative, and in this exchange the labourer was injured. To supply the medium of exchange the Bank was obliged to keep a very large amount of gold in its cellars. Now, only a certain quantity of gold for the currency of the country fell to her share by the course of exchange, as abstracted from that amount of bullion, which formed the circulating medium of the world: and if we would have more than our share, we must purchase it by reduction of the price of our produce, that is, of our labour, in order to render our commodities more desirable to foreigners than bullion. And this was a heavy burden upon our labouring classes; for the effect of the Bills of 1816 and 1819 was to impose upon them the heavy charge of maintaining a currency the most expensive in the world, besides the burden, 30 or 40 per cent., added to the value of the national debt and of taxation generally by these measures. The injurious effects of this system upon agricultural interests were as clearly traceable. The Bank, as he had said, was obliged to keep a large amount of bullion; and if the price of bullion rose, the Bank contracted her issues. The consequence was an immediate fall in the price of commodities. The master manufacturers were not slow to shift the loss off their own shoulders—they reduced their men's wages—dissatisfaction, perhaps turbulence, ensued among the workmen—and then the right hon. Baronet came forward and told the agriculturists that it was necessary they should have their prices reduced, to meet the exigencies of the manufacturing classes, as he did in 1842. Thus did the loss and burden ultimately devolve upon the land and its cultivators. He (Mr. Newdegate) was most unwilling to detain the House; but before he concluded, he trusted that hon. Members, particularly those of his own standing, would forgive his expressing a hope, that hon. Gentlemen who came down to the House to legislate upon great commercial questions, involving elaborately the interests of the country generally, and who were in the habit of expressing opinions on these important matters, should not have to avow their ignorance of the state and characteristics of our currency, which formed so important an element in all

commercial transactions. Those who proceeded to legislate upon questions so extensive, involving our commercial relations with foreign countries, should surely have some knowledge of that system which depended upon foreign exchanges, and so powerfully affected prices at home. What would be thought of a physician who prescribed for his patient without feeling his pulse, without any knowledge of the state of his circulation, or the action of the heart? Would he not be considered a quack? And were not those Members who were in the habit of legislating for the country in total ignorance of our system of currency, and the state of its circulation, liable to the same imputation? For years, any one who presumed to differ from the right hon. Baronet at the head of the Government on this subject, had been considered a lunatic; for years, the right hon. Baronet, by his eloquence, and by his sarcasm, had completely stifled all consideration of this subject. But public attention was gradually turning to this subject, and he (Mr. Newdegate) did hope that hon. Members would no longer submit to be laughed out of the use of their senses. Was it patriotic—was it fair towards the constituencies—was it just towards the labouring and productive classes of this country—that a subject so deeply involving their interests, should virtually be left out of account by the great majority of that House? The action and effects of the currency were so powerful, so universal, that, as had been eloquently observed in the able pamphlet of the right hon. Baronet the Home Secretary, "its operation extended from the Queen upon the Throne, to the most abject pauper who exchanges the smallest fraction of our coin for the barest means of subsistence." He had endeavoured to describe the depressing action of our currency, as it affected the productive classes; and if the House, blind to these considerations, determined to expose them to the still further pressure of free trade—determined that our labourers, obliged to maintain the most expensive currency in the world, and compelled to pay taxes in that currency, should also be exposed to the unrestricted competition of comparatively unburthened foreigners, he (Mr. Newdegate) believed that the Legislature would bring about in this country a state of things unparalleled in the history of civilized nations. Now, could it be just to adopt free trade in all things else, and at the same time render the monopoly of money still more exclusive; for the Legislature had created a strict monopoly in favour of money, when by law it fixed the value of our coin. Were not those whose property was in money, measured by a fixed standard—if they gained security from the maintenance of that standard, and the restricted system of our circulation, bound in justice to protect those at whose expense they enjoyed that security? His hon. Friend (Mr. Spooner) had been taunted by the right hon. Baronet with having made no definite proposal. Neither did he (Mr. Newdegate) make any specific proposal for the alteration of the currency. The commencement of a Session would be the proper time for such an undertaking as that; but he was prepared to tell the right hon. Baronet what he would not have done. He would not have introduced the banking measure of 1844, to restrain still further our currency and circulation, already too narrow for the exigencies of the country. He would not, when the population, the realized wealth, the commerce, the exports, the imports, of this country had vastly increased, have still further contracted our circulating medium. He would not, as had been eloquently observed by this very Mr. Alison whose judgment the right hon. Baronet appeared to hold in such contempt, have diminished the quantity of oil supplied for the commercial machinery of this country, when that machinery had been so enormously extended, as it had been, in the last thirty years. He would not, when the supply of meat for an army had been diminished, have provided that the rations of bread also should be so rapidly and extensively curtailed—that is, he would not, when the gold was abstracted by the course of exchange, have provided that the paper circulation of the Bank should be so unsparingly contracted. He (Mr. Newdegate) would conclude by expressing his sincere anxiety that this question should no longer be denied that attention to which, by its importance, it was so justly entitled.

Mr. *Muntz* said, that as he had not been in the House during the speech of his hon. Colleague, he could only form an opinion of it from the comments he had heard made upon it by the right hon. Baronet at the head of the Government; but if it advocated the payment of bank

notes at the market prices of bullion, and after such prices should have been materially advanced, then that the notes in circulation should not be payable in bullion at all, he must dissent from such principle and practice. Although he very fully agreed with the speech he had just heard delivered by his hon. Friend the Member for North Warwickshire, (Mr. Newdegate), and could subscribe to nearly the whole of his statements, he doubted the discretion of both his hon. Friends, in introducing a currency debate upon the Motion of the hon. Member for Montrose (Mr. Hume). In the first place, the two subjects appeared to him to have very little connexion; and in the next place, to debate the money question at a time like the present, when everything appeared bright and smiling, was only giving the right hon. Baronet opposite an opportunity of amusing himself, by ridiculing the views and opinions of all those opposed to him upon the subject, although they possibly might eventually be found more sound than his own. The right hon. Baronet had only done him (Mr. Muntz) justice, when he said, that he had formerly recommended an alteration in the standard of value, upon the ground that a very large proportion of the liabilities incurred under the former depreciated circulation remained unadjusted; but the right hon. Baronet ought to have gone further, and informed the House that he (Mr. Muntz) had recommended that the standard in which the notes shall be redeemed should be a silver standard, like the other countries of Europe, and as this country formerly had; and also that such silver standard should be fixed, so that the relative value of the ounce of silver to the average value of the bushel of wheat, which had long existed, should be maintained; and the price of silver in this country, therefore, should be determined by the average value of the bushel of wheat obtained by the Corn Laws, which were supported by the right hon. Baronet. He could assure the right hon. Baronet that he (Mr. Muntz) was as much at issue with him upon the money question as ever he was; that the question appeared to him as unsettled as ever; that it would again have to be discussed and debated in that House; and that the time would come when the right hon. Baronet would find that he had been mistaken; that the House also would find they had been mistaken; that the country would find it had been mistaken and misled; and that all the three would have most dearly to pay for having been so long ignorant upon this important subject. He would not now say more upon the general question, but would now notice the Motion of his hon. Friend below him (Mr. Hume); and to him it appeared a matter of the first importance that some steps should be taken which should prevent the loss upon light sovereigns from falling upon the poor in the manner it had latterly done, and would do again, if nothing were done to prevent it in future. The right hon. Gentleman the Chancellor of the Exchequer had just said that he hoped the circumstance would never occur again; but he had not given the House any reason why it should not do so, and if the different Members of the Government knew as much as he (Mr. Muntz) did of the sufferings of the poor three years ago, he was sure they would see the necessity of taking some steps to prevent a recurrence of the evil. At that time he (Mr. Muntz) was in South Wales, and he could assure the House that for want of preparation on the part of the banks, sovereigns of full weight could not be changed; that he had seen women at Swansea, with children in their arms, unable to obtain the necessaries of life, and crying because they could not change sovereigns of full weight, which they had in their hands. Under these circumstances the unprincipled took advantage of their necessities: and he had known sixpence, a shilling, and even two shillings paid for changing a sovereign to silver. At that time he addressed a letter upon the subject to the right hon. Baronet, and even at this late period he would thank him for the prompt attention which he paid to the subject, and his interference, through the Bank of England. But how did such a state of things agree with the statement of the Chancellor of the Exchequer, that every preparation had then been made? Surely there must have been some neglect. Now he (Mr. Muntz), feeling assured that there would be a return of the evil, so long as the country amused itself by the present practice of rubbing gold together, so as to waste it to the tune of many thousands per annum, and periodically to suffer a loss in gross amount of some three to four hundred thousand pounds, as in the last instance, would submit a plan for the consideration of the

right hon. Baronet and the Chancellor of the Exchequer, which should at least get rid of nineteen-twentieths of the evil. He must, however, guard himself against the supposition that he was one of those who advocated a circulation of 1*l.* notes with the view of elevating prices, and producing permanent prosperity; no one knew better than he did that such a measure must be subject to a speedy re-action, with still lower prices. As, however, the prejudices against 1*l.* notes were on the wane, and the right hon. Baronet had allowed them to be continued in Scotland and Ireland, it might be well to consider how absurd was the present practice in England, of wasting the gold by thousands per annum in abrasion, whilst we might lock it up safely, and as effectually use its representative in paper. Years had now elapsed, nearly twenty years, since 1*l.* notes were first abolished, under the impression that gold could only thereby be retained in the country; but that doctrine had completely exploded, by our having during the period before-named been fully as subject to the exportation of gold as we had been previous to the abolition of the notes. The next objection to 1*l.* notes was, that they encouraged forgery and crime; but this objection must be allowed to have little force, now that they were continued by law in both Scotland and Ireland. He had long been convinced that it was of no importance to the stability of the circulation and the steadiness of prices, whether the notes were 10*l.*, 5*l.*, 1*l.*, or 10*s.*, provided that they were payable in bullion on demand; and also that the amount of bullion held by the Bank bore the same proportion, at all times, to the aggregate amount of all the paper in circulation, which would be effectually produced by the management of the Bank of England under the Bill of the right hon. Baronet in 1844. With these views he (Mr. Muntz) seriously recommended to the consideration of Ministers during the recess, the allowing the circulation by the Bank of England of 1*l.* notes against the gold now in circulation, with a view of preventing its useless and unnecessary waste to the nation, and particularly the loss sustained by the poorer classes. He should certainly give his warmest support to the present Motion of his hon. Friend the Member for Montrose, fully believing that the subject was one of great importance, not only in a national point of view, but as bearing unequally and unjustly upon his poorer fellow subjects; and he trusted that even before the end of the present debate, the right hon. Gentleman the Chancellor of the Exchequer would propose some means of avoiding the evil in future.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 64; Noes 34: Majority 30.

Order of the Day read.

CEYLON.] On the Question, that the Speaker do now leave the Chair,

Mr. *Tufnell* called the attention of the House to the regulations lately issued, with regard to the compulsory disposal of lands held in the Island of Ceylon, and purchased from the Governor of that Colony by the members of the civil service, and the reflections that have been cast upon their character as public servants in the Governor's minute, dated the 14th day of February, 1845. The circumstances of this case peculiarly called for the attention of the House. It was not surprising, when a former Governor of Ceylon, a few years ago, held out great inducement to the cultivation of coffee in that Colony, that the civil servants were induced to invest their savings in the cultivation of land. This, so far from meeting with the censure of that Governor, met with his warmest approbation, as well as that of succeeding Governors, up to nearly the present time. To such an extent had this been carried, that in 1842, the last year he had returns on the subject, the quantity of land under cultivation for coffee, was not less than 48,500 acres; and by far the greater portion of this was held by the civil servants. Those parties were under contract to hold the land for a certain period; and some of them were prevented disposing of it under the stipulations by which they held it. The Colonial Government, under instructions from home, however, had given orders that they should all part with this land within a limited period, or cease to belong to the civil service in the Colony. He might be told, that by holding land for cultivation they had been guilty of a violation of their oaths; but it should be recollected that the Governor and the highest civil servants of the Colony, had long been in the habit of purchasing and taking land for cultivation. These parties, therefore, were not aware that they were

doing wrong in following this example. He considered that the Colony of Ceylon was greatly indebted to the civil servants of the Government there; for they had led the way in the cultivation of coffee, and thus held out inducements to others to go out there and invest their capital in land. In 1838, the value of coffee exported from Ceylon was 116,800*l.*; while the whole value of the exports was 250,000*l.* In 1842, the coffee exported was of the value of 269,762*l.*, being more than the value of all the rest of the exports. It certainly might be wrong on the part of the civil servants to engage in such pursuits, and it might be proper to prevent the practice for the future; but still ample time ought to be allowed them to dispose of this description of property. This was peculiarly necessary with respect to this description of property; for land taken into cultivation for the production of coffee in 1841 and 1842, would only come into bearing this year. Without any previous notice, an order had been issued by the Governor of the Colony to the effect that he had stated; and in which it was directed, that they should either dispose of this description of property within "a reasonable period," or cease to belong to the civil service. Now, he did not object to this, if due time was given; but the Governor insisted that this should all be done within twelve months; and that that period should be stated in the *Gazette*. The result was, that no one would purchase land, as so much was suddenly brought into the market; and it therefore became depreciated to an alarming extent. He understood, that the Colonial Office had proposed to extend this period to two years; but this was nearly as bad. The following was the notification in the Order:—

"His Lordship has directed, that it be distinctly understood that no civil servant will be permitted to engage in any agricultural or commercial pursuits for the sake of profit; and that all who may have done so must, within a reasonable time, dispose of their property, or retire from the public service; and that this rule be fully and promptly carried into effect; the penalty of any evasion of the *boná fide* compliance with this rule will be immediate dismissal."

The order further stated, that each of them should communicate within the period of six months to the proper office whether it was his intention to sell his land; and if he did not do so, he was not to remain longer in the civil service of the Government. There could be no difficulty in obtaining information respecting the land, for in the *Ceylon Calender* published every year, there was a statement as to the grants of land made, of the land sold, and to whom sold. The Colonial Office, therefore, must have been long aware of the civil servants being extensive cultivators of coffee; but it came down and left it to the discretion of the Governor at once to say, whether these parties should all dispose of their land. He feared, however, that the Governor himself, and other high authorities in the Colony, not coming exactly within the narrow meaning of the lower civil servants, were extensive holders of land. He found that in 1840, a grant of land had been made to the Governor of 2,244 acres, to the Secretary of the Colony of 1,371 acres, and to the Archdeacon of 1,970 acres. Here was another injustice with respect to which they had ground of complaint; for when they asked whether the order extended to the clergy who cultivated coffee plantations, they were told it did not. This, therefore, was a great injustice to them; and it was known, also, that the chief colonial jobber in land in the island was the archdeacon. If the order was to be persisted in, he trusted that it would be extended to all persons in authority, and above all to the clergy, and not be confined to the technical term civil servant. The civil servants had sent to the proper authorities the following remonstrance:—

"Those among us who are connected with agricultural pursuits, may now be permitted to solicit your Lordship's serious reconsideration of the order given with respect to the disposal of our landed property. We do not presume for one moment to question the absolute right of Her Majesty's Government, to make it a condition of employment, that a civil servant shall not be engaged in agricultural or commercial pursuits; but we venture to urge upon your Lordship the extreme hardship of compelling those who have already embarked in them, to extricate themselves altogether within so very limited a period. We have now to plead that Her Majesty's Government, in the first instance, encouraged agricultural undertakings by the civil servants; that it has been throughout aware that they were so engaged; and that it has never, until now, intimated any sort of disapproval of their so doing: and that the Governors of the Colony have, in more that one instance, been

themselves participators in them. Acting under this encouragement, many of us have entered into arrangements either here, or in England, which we could not at once dissolve without great loss and difficulty. The knowledge by the public that civil servants cannot escape the comparatively immediate and unconditional sale of their property, must, without fail, depreciate the value of their estates to a most ruinous extent. Indeed, we are prepared to prove to your Lordship that such an expectation has already induced parties, before fully intent upon purchasing, to hold back in the hope of very great reductions in the prices. Looking, therefore, to the share which Her Majesty's Government has had in encouraging and allowing civil servants to invest their money in this manner, we hope we shall not be deemed unreasonable in asking for a more extended period to enable us to comply with your Lordships' directions; the limit to which, we would submit, should not be announced to the public."

He did not object to the condition for the future, that the civil servants in Ceylon should not be engaged in agricultural pursuits; but after they had been so long allowed to do so, and after they had been encouraged by former Governors to embark in such pursuits, and of which the Government at home was aware all along, and never interfered by a single objection, it was only common justice that they should have ample time to dispose of their plantations; for a sudden sale must depreciate the value of land to a most ruinous extent, as it induced persons otherwise anxious to purchase to hold back till the expiration of the period. He had been informed that the Colonial Office offered to extend the period from one to two years; but he hoped that the noble Lord the Colonial Secretary would listen to the urgent representations of those parties, and would not object to an extension of the period, and that this limit should not be published. He thought that nothing could be more reasonable than this request, and he trusted that the Secretary of the Colonies would agree to this proposed alteration. He now came to a more serious charge. The former proceeding was an act of injustice, as it involved a sacrifice of property; but this was still more, for it involved an attack upon character. He would refer, on this point, to the minute published by the Governor of the Colony, which contained the accusation to which he referred. The minute was as follows:—

"His Lordship has observed that, in all the accounts which have reached him, he finds a most unhappy unanimity as to the low state of feeling which has of late years crept into the civil service, particularly among the junior members, and it has been in general characterized by want of that zeal, ability, and exclusive devotion to the public interests, without which it is impossible that the public service can be conducted in a manner advantageous to the people or acceptable to the Government."

Supposing these parties to have been deserving of censure, was it just to publish such an accusation in the newspapers and the *Gazette?* This censure on the civil servants was regarded by them as a most decided and uncalled-for insult. But how was this low state of feeling to be accounted for? The noble Secretary himself, in the subsequent paragraph, said—

"His Lordship is disposed to attribute this unsatisfactory condition of the service principally to the paralysing effect of a constant attention to seniority in promotions, the consequent absence of any hope of advancement by reason of superior merit, and to the smallness of the salaries (in the absence of any provision for pension), which has induced a great proportion of the civil servants to look to agricultural pursuits as a means of improving their income."

If this was the case, all the fault rested with the Colonial Office in allowing such a state of things to exist. He would proceed to refer to the remonstrance of the civil servants, drawn up after this minute of Lord Stanley had been issued. They stated—

"The minutes in question have already been republished by the local newspapers, they have been transferred to the papers of India, will be generally canvassed on the Continent, and can only be productive of a very low opinion of the civil servants here. We beg most respectfully, but most distinctly, to impress upon your Lordship, that at this peculiar juncture in the condition of the Colony, nothing is more essential to its ultimate welfare than that those public servants who really endeavour to do their duty should meet with firm and steady support from the Government. It is impossible for any person not thoroughly conversant with local affairs justly to estimate the increasing difficulties and pressure to which those public servants who hold important and responsible office are subjected. At such a time as this the service had no reason to expect, but laments to find, the Government joining in the imputations that have from time to time been cast upon it. Unmerited abuse from interested and frequently misinformed parties we have hitherto borne with indifference; but how far different

is the case, when to that is added the authoritative censure of the Government itself! We have already observed that these documents have been published in the Government *Gazette*, the ordinary channel through which the local Government communicates official intelligence of a public nature; and thus we find it announced to the world at large, without any previous intimation of such an opinion being entertained, and without any opportunity being afforded us of attempting a justification, that your Lordship considers the civil service of Ceylon, without any exception implied or expressed, lamentably deficient in that proper spirit and feeling which are essential to the reputation and utility of a body of public servants. We much lament that your Lordship should have come to such a conclusion, and we beg most respectfully, but at the same time most firmly, to deny our having deserved such a stigma. Admitting for a moment that there might have been some members of the civil service to whom the censure conveyed by the minute of the 14th of February might be justly applied, will your Lordship only permit us to ask whether, even under such circumstances, it were expedient to give publicity to so universal a condemnation of the whole body of civil servants, and thus to degrade them in the eyes of the community, as well as of the whole world?"

He would say that these terms were fully justified by the document which had called them forth. He could not conceive, until he should hear the defence of the hon. Member (Mr. Hope), what possible justification could be made for the course that had been taken by the Colonial Office in this matter. It was impossible that the officers of the civil service could be more than six weeks absent from their duties without the connivance and sanction of the Government; and he would therefore wish to know what right the Government had afterwards to come forward to censure them? The document went on to say—

"Whatever course expediency might have dictated, we would beg to be allowed to submit to your Lordship whether, as we have no opportunity of defending ourselves, the publication of this censure might not well have been spared us, until, at least, other attempts had been made to work out that reform in the service which the Government required. Even were we to concede the existence of the evils to the extent implied, we might be permitted to refer to the minute itself for the causes of them. The 3rd Clause attributes them distinctly to the injudicious distribution of its patronage by the local Government; and to the parsimonious scale of remuneration allowed to the civil servants by Her Majesty's Government in England. A consciousness of such facts might have induced the Government to pause before pursuing the course it has adopted."

He considered that the noble Lord in sending out that despatch added his own condemnation to it, as the cause which produced it must have arisen solely from the negligence of the Government itself. The first notice which they received of the altered opinion of the Government respecting them, was a public censure on their conduct. He did not know what excuse would be offered for this mode of proceeding; but of this he was certain, that the despatch must have been issued without a due consideration of the consequences that would result from it. It would require a great deal of good management and discretion before the Ceylon civil service could be brought back to its former harmonious and efficient condition.

Mr. *G. W. Hope* said, it was not his intention to justify the publication of that minute; it was not published by Lord Stanley's directions, and the terms of the minute did not agree with the terms of the despatch, the terms of which were not so general as those of the minute. The Papers would be produced, and it would be at once seen that this was the case. The despatch, indeed, alluded to the reports of the listlessness with which the civil servants discharged their functions, and that they were contented with the bare performance of the duties exacted of them, and of their want of zeal; but it was expressly said that these observations applied to the junior members of the civil service, and not to the whole civil service; and the causes were set out much in the same words as in the minute. Though he was far from pressing hardly against the servants, reports had been received from Sir Colin Campbell and from his predecessors which contained frequent complaints against the junior servants and the way they discharged their duties. It would be difficult to produce those reports; they were given in confidence, and mentioned the names of individuals, which, if given, would increase rather than allay any irritation; but they mentioned individuals and parties going through their services and showing their negligence, especially in the acquisition of the native language. Hon. Gentlemen connected with India would scarcely believe that so many had gone on without having acquired what was an in-

dispensable preliminary to the due discharge of their duties. Therefore, he could not consent to the general denial of the inefficiency of the public service. It was no new charge of the desertion of public duty for the sake of their private property; and since the coffee plantations, there was a great complaint. Coffee planting required constant attention, and the cultivators were subject to the bankrupt laws. The prohibition commenced as early as the year 1813, and the civil officers were required to take an oath not to engage in any trade as principal or partner unless licensed by the Government. In 1834, a question arose as to the cultivation of cinnamon, which was not more of a trade than the cultivation of coffee, and so far from there being a relaxation there was a minute published by the Governor, stating that he had received authority to explain that there would not be in any respect a relaxation of the restrictions against trading. In 1835, the coffee planting began, and in 1836 the former minute was republished. With regard to the purchase of cinnamon, but not with reference to the growing, the complaint was, that remittances could not be made home except in cinnamon, and it was allowed to save Bills; and the prohibition was continued against growing, and had never been relaxed by any Secretary of State from that time to this. Sir R. W. Horton was most distinctly opposed to the practice of allowing coffee growing; and great evils resulted from it. But he need not argue the impolicy, as the hon. Gentleman assented to the propriety of the prohibition, and only objected to the manner in which it was enforced. The manner in which it was done was this:—The despatch was sent in confidence to the Governor, and referred very much to individuals, and it ended with giving a summary to the Governor, not with the view of publication; and he was as much astonished as the hon. Gentleman when he saw the publication of the minute. The main cause of the evil was a very unwise reduction made in 1833 by the Commissioners, who seemed to consider that the whole object was a reduction of expenditure. The abolition of the pension fund, and other causes, materially affected the condition of the service. That cause had, however, been for years in operation, and did not apply to the senior civil servants, who were still entitled to the pension fund, though the juniors were not. The Secretary of State's observations, therefore, were directed to the junior officers only. Upon the whole, it did appear obvious that it was impossible for persons having these private interests fully to discharge their public functions consistently with the engagements into which they had entered on being appointed to their offices.

Viscount *Ebrington* understood that there was a toll levied on the passage of Coolies from India to Ceylon. Some of the planters had presented a memorial on the subject to the Governor, representing this tax as a most impolitic measure. It besides acted as a great hardship on the Coolies themselves, as these poor people were often reduced to the greatest suffering in their efforts to evade it.

Dr. *Bowring* said, that every encouragement had been held out by the Government to parties to make purchases of land in Ceylon. There had been no voluntary emigration to that island until it was encouraged by the Government. Considerable sums of money were then invested in land, and when these speculations were entered upon by the civil service there had not been a single word of disapprobation uttered. In fact, the language of the Government all through was the language of encouragement. But, suddenly, these Gentlemen had incurred the displeasure of the Colonial Office, and not only were they divested of their lands, but a sort of opprobrium was attached to them. It appeared that instead of one year, as at first announced, they were now to have two years to dispose of their property; but that would, after all, make very little difference in their case, as they could have no chance of obtaining the full value of it as long as the purchaser knew that the sale was compulsory. The lands might, in a word, be considered as being in the hands of a bailiff, to be sold by a certain time, no matter at what terms. He thought the Government ought to prevent the evil for the time to come, but not to do wrong in correcting that which arose in the time past.

Mr. *Aglionby* said, he thought the hardship of the case had been aggravated by the speech of the hon. Gentleman the Under Secretary for the Colonies. These gentlemen ought not to be under the imputation of having broken their oaths, for having merely cultivated their private estates, under the sanction of the Go-

vernment. He hoped in future, when instructions were sent forth from the Colonial Office, they would be in some way intelligible.

Mr. *Hope* said, he would be sorry to charge these gentlemen with any intentional departure from their oaths, and he did not think his words would bear that construction.

Mr. *C. Buller* said, he understood the hon. Gentleman to have quoted the words of the oath as a justification of the course taken by the Government. It was quite clear that a number of gentlemen connected with the civil service in Ceylon had been in the habit of investing money in estates. He would not go the length of saying that no public officer in a Colony like Ceylon should hold land, though he thought that in a new Colony, where the Government possessed all the unsold property, it would open the way to jobbing if they were allowed to make investments in landed property. In an old Colony, however, the case was different, as, if public officers were induced to invest their savings in land, they would acquire an increased interest in the prosperity of the Colony. There was, however, a difficulty in deciding where the line between the two classes should be drawn. But it was clear that in Ceylon all the civil officers had, with the sanction of the Government, been engaged in investing any money they might have in the purchase of land; and he much questioned the justice of the peremptory order which was issued, compelling those men, who were to be regarded as innocent, to sell their property within a given time, and whether that time was fixed at two years or at six months, he thought in either case it was a great hardship to men who for the last ten or twenty years embarked their fortunes in this kind of property with the connivance and countenance of the Government. He had the pleasure of knowing for many years the present Governor of Ceylon — Sir Colin Campbell, and a more amiable and kind-hearted man did not exist, and he was sure he would be quite incapable of using any hardship or severity towards the civil officers of his own accord. The remedy might, he was sure, have been applied without the use of the strong terms that had been applied in this case. The hon. Gentleman seemed inclined to repair the mischief by showing that the application of censure was of a very partial nature. He trusted, however, that a more salutary and judicious plan would be taken for removing the dissatisfaction produced by increasing the salaries of these officers on a fair and equitable system. He would remind the Government that the greatest Governor of any province that England ever had — namely, Lord Cornwallis — on finding a corrupt civil service in India, adopted a conciliatory tone towards them, and his first act was to raise them over all ordinary temptations to corruption, by raising their salaries to sufficient amount.

Mr. *Tufnell* replied, and remarked that the clergy of the Established Church, and the bishop who had just gone out there, were allowed to purchase property to any extent.

Mr. *Hope* said, it should be borne in mind that the clergy of the Established Church were not so much under the power of the Government as might be supposed.

Subject dropped.

House went into Committee of Supply *pro formâ*.

House to sit again on Monday.

Mr. *Bouverie* moved, that the Report of the Committee on the Death by Accidents Compensation Bill be brought up.

The *Attorney General* opposed the Motion.

The House divided: — Ayes 7; Noes 39: Majority 32.

Bill accordingly lost.

House adjourned at a quarter to two o'clock.

HOUSE OF LORDS,

Monday, July 28, 1845.

MINUTES.] BILLS. *Public.*—1ª. Taxing Masters, Court of Chancery (Ireland); County Rates; Real Property (No. 3).

2ª. Railways (Selling or Leasing); Bills of Exchange, etc.; Bonded Corn; Testamentary Disposition, etc.; Criminal Jurisdiction of Assistant Barristers (Ireland); Stamp Duties, etc.; Militia Pay; Land Revenue Act Amendment; Lunatics; Compensations.

Reported.—Poor Law Amendment (Scotland); Lunatic Asylums (Ireland); Drainage (Ireland); Highways.

3ª. and passed: — Unclaimed Stock and Dividends; Spirits (Ireland); Excise Duties on Spirits (Channel Islands).

Private.—1ª. Leeds and Bradford Railway (Mistake Rectifying).

2ª. Brighton, Lewes, and Hastings Railway (Hastings, Rye, and Ashford Extension); Darby Court, Westminster.

Reported.—South Wales Railway; Monmouth and Hereford Railway; Glasgow Junction Railway; Guildford, Chichester, and Portsmouth Railway; Brighton and Chichester Railway (Portsmouth Extension); Direct London and Portsmouth Railway; Duddeston and Nechells Improvement; Erewash Valley Railway; Glasgow, Barrhead, and Neilston Direct Railway; Manchester and Leeds Railway.

3ª. and passed:—Birmingham and Gloucester Extension Railway (Stoke Branch); London and South Western Railway; South Eastern Railway (Greenwich Extension); South Eastern Railway (Tunbridge to Tunbridge Wells); Gravesend and Rochester Railway; Rothwell Prison; Shrewsbury and Holyhead Road,

PETITIONS PRESENTED. By Duke of Buckingham, from Clergy and others of Aylesbury, for Abolishing Punishment of Death.—By Bishop of Norwich, from Rotherfield, and several other places, for the Suppression of Intemperance, especially on the Sabbath.

DECEASED PEERS.] Lord *Campbell* said, that he should take the opportunity of calling the attention of the House to a subject of one of the Standing Orders, No. 113, with respect to which he had given notice. The Standing Order was to the effect, that any person presuming to publish the works, or life, or will, of any deceased Lord of Parliament, without the consent of the heir or executor of such Lord, should be deemed guilty of a breach of the privileges of that House. He should best discharge his duty on that occasion by referring to the history of the Standing Order. It took its origin from the proceedings of the well-known Edmund Curll—the infamous, the dauntless, the shameless Edmund Curll. In 1720 died John Sheffield, Duke of Buckingham, a celebrated poet of that day; and in 1722 Curll published an advertisement in a London paper, called the *Daily Journal*, in which he announced that he intended to publish a libellous life of the deceased nobleman. In consequence of this, the family of that nobleman interposed, and caused a complaint to be made to that House on the subject. He found this stated in the Journals of the House of the date of the 22nd January, 1721-22, and the advertisement was read, announcing that the Life and Works, in prose and verse, of John Sheffield, Duke of Buckingham, together with a true copy of his last will and testament, would be published on a certain day named by Edmund Curll, over against Catherine-street. This person was summoned to the bar of the House, and ordered to attend next day. The Journals for the next day stated that the House being informed that Curll was in attendance, he was called in and examined as to the advertisement, and was ordered to withdraw. The House then came to this Resolution, "That it is resolved by the Lords Spiritual and Temporal in Parliament assembled, that any person presuming to publish the life, or will, of any deceased Peer, without the consent of his heir or executors, was guilty of a breach of the privileges of that House." Curll was then reprimanded by the Lord Chancellor for allowing the advertisement to be printed, and also forbidden to publish the work. In the course of the proceedings upon that occasion, a Committee was appointed; but he could not find that that Committee ever made any Report to the House, though he had made diligent search on the subject. On the 31st of January following, the matter was, however, again taken into consideration, and the Resolution was duly passed as a Standing Order. That was the Order now appearing on their Lordships' Books, and which had remained in force to this hour. He found that the Order was not intended to remain as a dead letter, for an attempt had been made to enforce it in the year 1735. In that year the same Edmund Curll issued another advertisement, which was published in the daily journals, and which gave great alarm to the Members of their Lordships' House. On the 12th day of May, 1735, this advertisement was brought under the notice of the House. It was published in the *Daily Post Boy*, and was to the effect that there had been just published Mr. Pope's literary correspondence for thirty years, namely, from 1704 to 1734, being a collection of letters written by him to the right hon. the Earl of Halifax, the right hon. the Earl of Burlington, and many others—printed for Edmund Curll, in Rose-street, and sold by all booksellers. It was ordered by the House that the Gentleman Usher of the Black Rod should go and seize all the copies of the book, and that the said Edmund Curll, together with John Wilford, by whom the newspaper had been printed, do attend the bar of the House next day. The parties accordingly attended on the following day, and being examined, were ordered to withdraw. The Gentleman Usher of the Black Rod then reported to the House what he had done under their Lordships' order. He stated that he had ordered all the copies of the book found at Mr. Curll's house to be seized, and that he believed they might be 500 in number. A Committee was appointed, to whom the copy of the book presented by the Gentleman Usher of the Black Rod was referred; and Edmund Curll was ordered to attend the Committee. The Earl Delawarr brought forward the Report of the Committee in the House, and it appeared from it that

this was an illegal seizure, that no letters from any deceased Peer was contained in the publication, and that the Committee did not think it contrary to the Standing Order, and they therefore recommended that the books which had been seized, should be restored to Edmund Curll. The Report was read by the clerk attending the House, and agreed to, and the books were given back to the publisher. He was not aware that there had been any other seizure under this Standing Order, though there had been many lives of deceased Peers and of deceased Prelates, Members of their Lordships' House, published on various occasions, without the leave of the friends or representatives of the deceased parties. His noble and learned Friend, who, he regretted to perceive, was not then present (Lord Brougham), had published lives, powerfully and ably written, of several deceased Members of that House, more especially of Lord Chatham and Lord North, and he had no doubt without the consent of the heirs and representatives of those noblemen. He (Lord Campbell) had also employed many laborious hours, without, he hoped, incurring the censure of that House, in writing the lives of the predecessors of his noble and learned Friend on the Woolsack, both spiritual and temporal.

The *Lord Chancellor:* Not down to the present time, I hope.

Lord *Campbell* said, he hoped many years would pass before any one could have an opportunity of writing the life of the present Lord Chancellor as a deceased Peer. Curious enough it was, that the Standing Order did not apply to his noble and learned Friend, for any body might take such a liberty with him. The Standing Order did not apply to the life of any except a deceased Peer. In fact, it only followed the rule *de mortuis nil nisi bonum.* It must, if enforced, serve as an entire prohibition against writing the lives of some Chancellors. For instance, St. Swithin had been Lord Chancellor to King Ethelbert, and St. Thomas A'Becket was also Lord Chancellor of England, and who the heirs or personal representatives of these deceased Members of their Lordship's house might be, he had been unable to discover. Besides, he considered the Standing Order unnecessary, inasmuch as the law allowed an indictment to be laid for a libel reflecting on the memory of a deceased person, and a very remarkable action of that kind was tried in the early part of the reign of George II. He considered this Standing Order one having a strong tendency to bring into disrepute the necessary privileges of their Lordships' House, and he, therefore, begged to move that it be rescinded.

Motion *agreed* to.

Standing Order, No. 113, *vacated.*

COMMONS' ENCLOSURE BILL.] On the Motion of Lord *Stanley*, the House resolved itself into Committee.

On Clause 1 being read,

Lord *Portman* complained that under the clause, the entire control of the commons to be enclosed would be given to the First Commissioner of Woods and Forests; and when the Drainage Bill passed, the whole landed property of England would be under the control of the Government of the day. He thought, that either the Chairman of the Woods and Forests, or the other unpaid Commissioner, who was not named in the Bill, should be struck out, as he had no doubt but that the latter would also be immediately connected with the Government.

Lord *Stanley* said, the House of Commons had thought proper to send up the Bill with provision for only one paid Commissioner, and if but one unpaid Commissioner were appointed in addition, the two Commissioners would not be able to work as satisfactorily, in case of differences among themselves, as a Board consisting of three Members. These Commissioners would not have so much power as the noble Lord supposed. All they had to do was, in the event of a certain number of persons interested in the enclosure, making an application to them for the purpose, first to make inquiry, and they were then empowered to frame a scheme or draft bill of the enclosure. That scheme was to be referred to the parties interested in the inquiry, and unless these assented to the proposal of the Commissioners, then the whole matter fell to the ground. Even if the parties did assent, the subject should then come before Parliament. The main object of the Bill was to save expense, and he thought, under the circumstances, that some one of the Commissioners ought to be a responsible Minister, who would be answerable to Parliament for what was done.

Clause agreed to.

Clauses, up to Clause 11, agreed to.

On Clause 12 being read,

Lord *Stanley* moved the omission from the clause of the words—

"That no royal forest, or any part thereof, shall be deemed common land under the provisions of this Bill,"

For the purpose of inserting the words—

"No part of the New Forest, in Hampshire, or of the Forest of Dean, shall, &c."

He proposed the alteration, because he understood there were forest lands in some parts of Wales that might be advantageously brought under the provisions of the Bill.

The clause as amended agreed to.

Clauses 13, 14, 16, 17, and 18, agreed to.

Clause 15 postponed.

Clause 19 was agreed to, after some discussion between Lord Stanley, Lord Portman, Lord Cottenham, Lord Lyndhurst, and Lord Camoys, as to the mode in which the interests of infants were to be represented in cases of enclosure.

Clauses 20 and 21 agreed to.

Clause 22 was postponed at the instance of Lord Campbell, as it was founded upon the supposition that the existing law had been violated.

The other clauses agreed to, with a few verbal Amendments.

POOR LAW AMENDMENT (SCOTLAND) BILL.] The Duke of *Buccleuch*, in moving that the House do now resolve itself into Committee, adverted to the Report of the Commissioners of Inquiry on this subject, detailing the present state of the law and its administration. It was well known that the present provision for the relief of the poor in Scotland was very inadequate; an inadequacy not arising from any want of charitable disposition among the people, but from the defects of the machinery created for carrying out the law. In providing for the more effectual relief of the poor, it was not intended to alter the principle of the present law; the Bill was framed in accordance with the evidence taken before the Commissioners, and he believed was regarded with general favour in Scotland.

Lord *Campbell* allowed that there was in the Bill much that was good; but still thought it might be made better; he would, therefore, suggest that it should stand over, so that it might be improved during the recess. He admitted that the state of the Poor Law in Scotland was most objectionable, and, above all, that part of the law with reference to pauper and criminal lunatics. That most important portion of the Bill having reference to the medical relief of the poor, he greatly approved of. He was satisfied that it was for the interest of the poorer classes that there should not be too lavish a measure of relief for the destitute poor, for by so doing, a strong stimulus to exertion was removed. There were some persons who thought that every ill affecting humanity could be removed by the Legislature; but this was merely chimerical. To offer inducements to a young man and young woman, without any means, to marry at an early period of life, and to bring into the world as many children as their fecundity would furnish, was a principle which was most objectionable, and to which he never could give his assent. These early marriages had been productive of one of the evils under which Ireland suffered, and any checks to so great an evil must prove salutary. There were some of the clauses of the Bill which he was satisfied would give rise to considerable litigation, and would cause an enormous expenditure. Those parts of the measure having reference to the Law of Settlement were also open to objection. Some parts of the Bill, also, would fall rather heavily on English persons taking up a temporary residence in Scotland. Voluntary assessment formerly existed to a considerable extent in many parts of Scotland; but they might depend upon it, under the operation of this Bill, that they would be got rid of altogether. It might be held that all property liable to the Property Tax ought to be made liable to this tax also; but at present they had no rule whatever. The noble Duke was wrong in supposing that this Bill would not alter the existing law, as there were to be three new modes of assessment introduced under it, and there would be agitation and disunion produced in every parish in Scotland, in fixing on which particular mode they should select. One of the most gross instances of injustice which the Bill would inflict, would be in cases where Englishmen had a temporary residence in Scotland. In every such case, all the property which the individual possessed in any part of the world would be liable to assessment in the parish in which he resided. He trusted, therefore, that the Government would introduce some provision to guard

against this injustice. Having stated these objections, he would not, for the present, detain their Lordships with any additional remarks. His principal objection was to the clauses regarding assessment. They were calculated to produce infinite litigation, and unless they were altered, it would, he thought, be much better to withdraw the Bill altogether, and to wait for another year before legislating on the subject. If persevered in as it at present stood, he had no difficulty in foretelling that the Bill would be hereafter called the curse of Scotland.

House in Committee.

Lord *Campbell* said, he had some Amendments to suggest as to the Assessment Clauses, and also respecting South Leith. which he would bring forward on the bringing up of the Report.

The Earl of *Haddington* wished to observe, in reference to what had fallen from the noble and learned Lord who had just sat down, that the principle of assessment to which he objected was the principle of the old law, and was also admitted in various local Acts. It had been tried for a long period, and he never heard of its having created any of the litigation or difficulty which the noble and learned Lord seemed to apprehend. He could not understand why any Scotchman who, as was sometimes the case, made a large fortune in England, should not be taxed when he returned to reside in his native country. Besides, he believed it did not happen that means and substance were rated in England.

Lord *Campbell* said, the noble Earl had entirely misunderstood him. He by no means objected to the principle of means and substance being taxed, as he believed it to be perfectly just and proper; but what he wanted was, that there should be a definition of the term given in the Bill.

The *Lord Chancellor* said, he did not understand the Bill to introduce any new principle in the law. The courts of Scotland would decide on the construction of the term means and substance, in accordance with their usual mode of proceeding; and if that was not thought sufficient, he should wish to hear the noble and learned Lord himself try his hand at a definition.

The Earl of *Dalhousie* said, the law existed in Scotland for 300 years, and, to his own knowledge, was constantly acted upon.

Bill reported without Amendment.

House adjourned.

HOUSE OF COMMONS,

Monday, July 28, 1845.

MINUTES.] BILLS. *Public.*—1°. Tenants (Ireland); Cost, Private Bills; Waste Lands (Australia).

2°. Apprehension of Offenders.

3°. and passed:—Customs Laws Repeal; Customs Management; Customs Duties; Warehousing of Goods; British Vessels; Shipping and Navigation; Trade of British Possessions Abroad; Customs Bounties and Allowances; Isle of Man Trade; Smuggling Prevention; Customs Regulation: Stock in Trade; Removal of Paupers; Court of Chancery; Physic and Surgery; Valuation (Ireland).

3°. and passed:—Real Property (No. 3); Taxing Master, Court of Chancery (Ireland); Libel; Church Building Acts Amendment; Granting of Leases; Documentary Evidence.

Private.—Reported.—Ellison's Estate; Rochdale Vicarage (or Molesworth's) Estate; White's Charity Estate.

PETITIONS PRESENTED. By Sir W. Somerville, from Guardians of the Navan Union, for Alteration of Law relating to Landlord and Tenant (Ireland).—By Colonel Rolleston, from Practitioners of Medicine and Surgery, of Nottingham, in favour of Physic and Surgery Bill.—By Sir W. Somerville, and Mr. Wawn, from Guardians of Dunshaughlin Union, and Inhabitants of Kinsale, for Alteration of Poor Relief (Ireland) Act.—By Mr. Spooner, from a great number of places, for Alteration of Law relating to Promiscuous Intercourse.—By Mr. Blackburne, from Nantwich, for Diminishing the Number of Public Houses.

The House met at twelve o'clock.

REMOVAL OF PAUPERS.] The Report on the Removal of Paupers Bill was brought up. On the question that it be agreed to,

Mr. *Sharman Crawford* complained that the Bill would cause a great deal of misery by separating families. He would mention one instance, that of a labouring man, who, after leaving Newtownards, had resided thirty-three years at Whitehaven, and having become chargeable to the parish, he was immediately sent off to Newtownards, regardless of his prayers and entreaties to be permitted to remain at Whitehaven, where some of his children had gained settlements. This separation had so great an effect upon the unhappy man's mind, that he had hanged himself.

Sir *J. Graham* said, that the Bill was intended chiefly to relieve Scotch and Irish paupers from many of the evils to which they had hitherto been exposed. In respect to the case mentioned by the hon. Member for Rochdale, he believed that the head of a family could not be removed in the way mentioned against his will, and if he were thus improperly removed, the party so offending would be subject to a severe penalty.

Report agreed to. Bill to be read a third time.

Games and Wagers.] House in Committee on the Games and Wagers Bill.

Clauses up to 16 were agreed to.

On Clause 17, Wagers not recoverable at law being proposed,

Mr. *C. Berkeley* objected to the proviso to the clause, that it was not to apply to subscriptions for a plate or prize, because it was legislating for one side only, and because it would, he contended, legalize gambling one way, while it attempted to put a stop to it on the other.

Sir *J. Graham* thought the proviso essential to the clause. It only legalized mere subscriptions.

The Committee divided on the Question, that the proviso stand part of the clause: —Ayes 37: Noes 3; Majority 34.

List of the Ayes.

Aldam, W.	Hamilton, G. A.
Arkwright, G.	Hawes, B.
Austen, Col.	Henley, J. W.
Baring, rt. hn. W. B.	Hope, hon. C.
Berkeley, hon. H.	Jones, Capt.
Blackburne, J. I.	Meynell, Capt.
Borthwick, P.	Milnes, R. M.
Bowes, J.	Nicholl, rt. hon. J
Brotherton, J.	Norreys, Sir D. J.
Bruce, Lord E.	Pringle, A.
Bruges, W. H. L.	Sandon, Visct.
Buller, Sir J. Y.	Smith, rt. hn. T. B. C.
Cripps, W.	Somerset, Lord G.
Divett, E.	Somerville, Sir W. M.
Estcourt, T. G. B.	Trotter, J.
Ferguson, Sir R. A.	Warburton, H.
Flower, Sir J.	Wood, Col. T.
Fremantle, rt. hn. Sir T.	TELLERS.
Fuller, A. E.	Cardwell, E.
Graham, rt. hn. Sir J.	Mackenzie, W. F.

List of the Noes.

Bouverie, hon. E. P.	TELLERS.
Fielden, J.	Dick, Q.
Wawn, J. T.	Berkeley, hon. C.

Other clauses agreed to. Bill to be reported. House resumed after five o'clock.

County Magistrates.] In answer to a question from Mr. *Henley*,

Sir *James Graham* said, that although cases might occur in which a magistrate might act singly in a judicial capacity, yet it would be a sound discretion to make such cases rather the exception than the rule; and where a penalty was to be levied, he thought it would be well to do so in the presence of other magistrates and the clerk, where it was possible. When cases occurred in which a delay would defeat the ends of justice, then it would often be necessary for a magistrate to act singly.

Mr. *Henley* wished to be informed whether or not it was the intention of the right hon. Baronet to bring in a measure next Session relative to those cases where a magistrate was called on to act singly in a judicial capacity.

Sir *J. Graham* was not prepared to introduce any such measure.

In answer to Mr. *Hume*,

Sir *J. Graham* said, he had no intention of introducing a measure to relieve the county magistrates from those duties. On the whole, he thought that they were most useful to the country from the manner in which they discharged their duties.

Hours of Business.] Mr. *Brotherton* wished to suggest to the right hon. Baronet opposite (Sir R. Peel) that it would be better that, for the remainder of the Session, the House should meet at twelve o'clock, and continue its sitting until the business on the Paper for the day was finished, instead of adjourning for an hour or two, as at present, between the morning and evening sittings.

Sir *R. Peel* thought that it was objectionable to make any departure from the custom of the House in the transaction of business, especially at so late a period of the Session, without the general concurrence of the House. His own opinion was in favour of the suggestion of the hon. Gentleman, and if that suggestion met with general concurrence on the part of the House, he had no objection to it whatever. If, therefore, the House concurred in the suggestion, he had no objection to propose that, after to-morrow, the House should meet for the despatch of business at twelve o'clock, and sit continuously, instead of adjourning after the morning sitting.

Educational Institutions.] On the Motion that the Order of the Day for going into Committee of Supply be read,

Mr. *Ewart* said, that when the Military, the Naval, and the Ordnance Estimates were brought before the House, a statement was made of the prospects and condition of those branches of the public service respectively; and he did not see why, in like manner, there should not be an annual statement of the condition and prospects of the Educational Institutions which were

supported partly or wholly by the public funds. What he called for was not a published Report, but a *vivâ voce* statement on this important subject. The publication of a blue book was not the most effectual way of bringing this matter before the House and the country, and he thought that the Annual Report, prepared by Commissioners and Inspectors appointed to go the round of the country, furnished a convenient mode not of developing, but of concealing such a question. Amongst other improvements which he thought were called for in connexion with the subject of education, was that of raising the condition of the schoolmasters of the country, and of increasing their pay. He trusted that this important improvement would be speedily realized. There was also a necessity for increasing the number and the efficiency of the training schools of the country, as a greater number of training masters than were at present to be had were required. As to the grant appropriated for the purpose of education, he thought that 75,000*l.* was but a paltry grant for the supply of the educational wants of such a country as this. In Scotland, as well as in England, the pay of the schoolmaster was very inadequate. In both countries he was anxious to see the condition of the schoolmasters much improved. Connected with this question was the important consideration, as to Scotland, of the improvement of the condition of the schoolmasters belonging to the Free Church. He gave credit to the Government for their new system of education in Ireland, and did not apprehend that the fears of those who thought that that system would make the Irish an irreligious people would be at all realized. In reference to education, he thought that the Government could only interfere collaterally and not directly. So much for the first portion of the Motion of which he had given notice. Another portion of that Motion referred to public libraries, a subject to which he had, on former occasions, called the attention of the House. On one occasion, on which he had alluded to it, he was answered by the right hon. Baronet that there were libraries of a public nature already established in England, such as those connected with mechanics' institutes in our large manufacturing towns. But there was only one library in this country, of which he was aware, that could be compared with the libraries which were so numerous on the Continent. In France, in Italy, in Germany, and in other continental countries, not only in the large, but in many of the smaller towns, there were public libraries accessible to all classes, and to the foreigner as well as the native. If the Government of this country would only assist in promoting the establishment of such libraries in all our large towns, they would confer upon the public a great and a lasting boon. He did not ask the Government to originate them, he only asked them to assist in their establishment. There was another point which he deemed of great importance, which was, that Government should promote, as far as it could, the encouragement of education, by the examination of those persons who were candidates for subordinate offices under Government. This might be regarded by some as a very visionary proposal, and as a thing which could not be carried into effect. But he had been told by Members of the late Government that the experiment had been tried, Lord Melbourne having set aside three clerkships of the Treasury for that purpose, and that it had been successful. He thought such educational appointments would work well, and that the public servants thus selected would be found efficient and well qualified for their duties. It was simply his desire, in the present instance, to call the attention of the Government and of the House to this consideration, which he thought a very important one. Every point of the Motion which he was about to lay before the House had reference to the mode in which Government might promote, without unduly interfering with, the question of education. Undue interference in this matter he deprecated. Undue interference the people of this country would not tolerate. Upon this whole subject he felt so strongly, that he considered himself bound to take the sense of the House, if necessary, upon it. The hon. Gentleman concluded by laying the following Resolutions on the Table, and moving the first—

"1. That a statement be made, on the part of the Government, of the condition and prospect of such Educational Establishments as are supported wholly or partially by a vote of this House.

"2. That it is expedient that the formation of Public Libraries, freely open to the public, be encouraged.

"3. That it is expedient that Schools for the training of Masters be more extensively promoted.

"4. That it is expedient that appointments to the subordinate offices of Government be made (as far as possible) by examination of the merits of the candidates for such offices."

Sir *R. Peel* said: However late the period of the Session, and however severe the pressure of public business, I cannot but think the importance of the subject justifies the hon. Gentleman in calling the attention of the House to the question of education. I shall very briefly notice the particular points to which the hon. Gentleman has referred, taking in order the Resolutions of which he has given notice. The House will have laboured under erroneous impressions if they supposed that there was not full information afforded with regard to the progress of education. I need not refer to the volume presented annually to the House as a reason why any oral statement should not be made to the House on the part of the Government, with regard to the progress of education during the preceding year. But for the purpose of indicating to those Members who take an interest in the question, I may say that there are annually presented to Parliament the Reports of the inspectors appointed by a Committee of this House, which Reports contain the most detailed and valuable information on the subject of education. There is the volume presented in the course of the present year, containing the able and full reports of the several Inspectors of Education. But I am not at all prepared to contend against the principle suggested by the hon. Gentleman. It is possible that because the information is so full and vague that Members may not readily acquire that knowledge of the subject which possibly they might obtain from an oral statement made by a Member of the Government. I am therefore disposed, on the part of the Government, to give my serious consideration during the recess to the proposition of the hon. Member. I think I can undertake to say, that during the course of the next Session this Vote will not be moved on the part of the Crown without such an explanation being made as shall answer the purpose of the hon. Member. I think it possible that such a statement may awaken public attention more forcibly to the subject, than the presentation of this volume, and will better enable Members to discuss the matter, and bring their local information to bear upon it. At any rate it will be a proof that the Government and Parliament attach due importance to the subject. I think I have said enough to show the hon. Gentleman that it will not be necessary for him to ask on this occasion for any expression of opinion on the part of the House. With reference to the grant for educational purposes, the hon. Gentleman says he deeply regrets the limited amount. The amount, however, has been an increase upon the grant of last year. The amount last year was 40,000*l.* The amount in the present year is 75,000*l.* Therefore, in the present year, as compared with the past, we have proposed a vote nearly double. For education in Ireland we have also voted 75,000*l.*; so that we have proposed to vote for educational purposes in England and Ireland, in the present year, no less a sum than 150,000*l.* That is a strong indication of the wish of the Government to apply the public money, so far as they can, to the purposes of education. I advise the hon. Gentleman, therefore, to leave this matter in the hands of the Government, and to rest satisfied that they will next year, if necessary, make an increased grant to further the object to which he has called attention. I entirely agree with him in what he says as to the *status* of the schoolmaster. I think his position ought to be regarded as honourable; and, by attaching importance and value to his labours, we shall be amply repaid. The hon. Gentleman has also referred to the necessity of increased grants for the normal schools in which the schoolmasters are prepared for their labours. He will find that, within the last two years, the Vote for that specific purpose has been increased—at least, that there has been an application for an increased sum for that purpose. Some years since the sum of 10,000*l.* was granted for the normal schools of the British and Foreign School Society. In addition to that the sum of 10,000*l.* was granted for the establishment of the schools of the Committee of Council. Within the last two years an annual grant of 1,000*l.* was given to the National Society, and 750*l.* was given to the British and Foreign Schools for their annual maintenance. There was also a grant of 3,700*l* made for the building and establishment of the Chester Diocesan Training School; and a grant of 3,200*l*, towards the Training School in Lancashire; 3,500*l.* was also given towards the building and establishment of the York Diocesan Normal School. In Scotland, towards the building and establishment of the Edinburgh Normal School, 4,000*l.* was granted; and 5,000*l.* towards the establishment of the Normal School in Glasgow. I think these Votes a sufficient proof that the Government have not undervalued the importance of the subject introduced by the hon. Gentleman.

The supply of masters, properly qualified, is at the root of the whole system; and I quite agree with the hon. Gentleman, that you cannot more effectually promote education—local education—than by making a proper provision for the masters. The Committee of Council feel that one of the most important objects to which their attention has been directed, is the increase of the means of providing masters properly qualified, and of good character, for the education of youth. Within a recent period, we have extended the objects for which the annual grant is made. In England, in 1840, a sum of money was granted for the erection of 211 schools. In the year ending August, 1843, a sum was granted for the erection of 251 schools; but in the year ending August, 1844, funds were supplied for the purpose of building not less than 380 schools. Then we have made another addition to the object for which the Vote was given. We have consented to give Votes towards the construction of schoolmasters' houses; because we think it of great importance that the master should reside in the neighbourhood of the schools; and, by providing the masters with a comfortable residence, you hold out an increased inducement to persons of competent attainments to undertake the important task of education. As I said before, in addition to the objects to which the Vote was applied, we found it necessary to propose an increase to the Vote, to the amount of 35,000*l.* I am bound, at the same time, to admit that I doubt whether that increase ought to be the limit of future grants. So great is the desire of persons interested in the welfare of the working classes to increase the means of instruction, that I much doubt whether the application of an increased sum in the course of next year would not be fully justified by the circumstances of the case. I think, after what I have stated, that it will be hardly necessary for the hon. Gentleman to call for any expression of the sense of the House. The last Resolution moved by the hon. Gentleman, and the last topic to which he adverted, was the policy of making the appointment to the subordinate offices of Government depend, as far as possible, on an examination of the merits of the candidates for such offices. I doubt whether the system at present adopted in the different departments of Government is not better. In almost all cases, the appointment is for the first year as a probationer. The individual is appointed with the distinct understanding, that if his conduct and attainments do not justify the permanent retention of his services, he is liable to lose his situation. The appointment of a person to the public service should not entirely depend on the exhibition he may make on examination; there are points connected with the moral character that ought to be taken into the account. The mere exhibition of superiority in an examination must be necessarily imperfect; and if you were to rely on it, you would find that you were not securing in all cases a supply of trustworthy persons. I admit there ought to be evidence of sufficient attainment to justify an appointment; but I doubt whether that rule of giving a trial for the first year is not, on the whole, a better mode of securing faithful, trustworthy, public servants, than making their eligibility depend on such an exhibition. As to extending Government patronage to boys educated in those schools, there would be great difficulty in acting practically on that suggestion. The youths leave school at fourteen or fifteen, and were not eligible for public employment till twenty-one. During that interval their time would not be very usefully employed, if led to rely on an appointment at the end of six years. A similar encouragement held out to the schoolmaster would tend to interfere with a sufficient supply of schoolmasters. The hon. Gentleman himself will see the difficulty of practically carrying that suggestion into effect; besides, such appointments would have the effect of discouraging those who were unsuccessful. Under these circumstances, I hope I have met the proposition of the hon. Member in the spirit in which it deserves to be met. I hope the hon. Gentleman will allow the question to be put from the Chair without calling for a division.

Mr. *Wyse* said, he was about to second the Motion of his hon. Friend; but the observations of the right hon. Baronet had gone far to remove the motives which might have induced his hon. Friend to press this question to a division. The right hon. Baronet had omitted in his statement any allusion to what the hon. Member (Mr. Ewart) had said respecting libraries. The observations of the hon. Member on that head were most important, and highly deserving of the attention of the Government. The proposal of the right hon. Gentleman, of giving a more comfortable house to the master, and a

more comfortable school to the pupils, was deserving of the greatest praise. He hoped that the right hon. Baronet would go further, and allow a small portion of land in the agricultural districts to the teacher, so as to enable him to command more comfort. This would be peculiarly applicable in the case of Ireland, and more so than in the case of England, as land would be more easily procured for such purpose. He wished to call the attention of the right hon. Baronet to the means that might be taken to improve the condition of teachers, in Ireland particularly. It was proposed, that the National Board of Education in Ireland should be incorporated, so as to enable them to take lands for the purposes to which he (Mr. Wyse) had adverted. He thought that great improvement might be made in the normal schools, upon the understanding that a certain system of education should be adopted in those schools which would be satisfactory. He thought that, under such an arrangement, an increased sum of money might be given for the improvement and enlargement of those schools. He rejoiced at the statement which had been made by the right hon. Baronet, and which he had reason to think from his observation of the conduct pursued by the right hon. Baronet on this question on former occasions, he was sure —that those observations were not made lightly, but that they would be followed, as they had heretofore been, by deeds and measures. He hoped that, after the observations that had been made by the right hon. Baronet—a declaration which was most satisfactory—that his hon. Friend (Mr. Ewart) would be induced to withdraw his Motion.

Mr. *Hume* expressed the pleasure which he felt at the declaration of the right hon. Baronet on the subject of education. He was glad to find that a subject of such great importance had been brought forward by his hon. Friend. He was happy to hear, from the statement of the right hon. Gentleman, that the cause of education, and the education of the people at large, engaged the best attention of the Government. He was glad to find that the desire of the Government was that all classes should be educated without exclusion. He was glad to see, in the increased grant for education, an increased desire on the part of the Government to promote the education of all classes without exclusion. He was glad to see that their interest in the cause of education had induced them to increase the grant for education in England and Ireland. He hoped that if this grant should be found insufficient for its object, that the grant would be increased, and that some report would be laid before the House of the application of the former grant, the various points of expenditure, and the mode in which the money was disposed of. He was glad to see that the Committee of the Privy Council had increased their exertions in assisting schools with school materials, such as maps. He thought this a matter of great importance. He believed that no people were more ignorant of the extent, the various circumstances, and statistics of the British possessions, than the British people generally were. Now in Prussia this was not the case. Every school in Prussia was furnished with an atlas, containing an exposition of the extent and relations of the Prussian dominions; and to which was appended a various and extensive amount of statistical facts with respect to the population, revenue, extent of territory, and various other circumstances appertaining to Prussia, so that every boy in those schools in Prussia was made acquainted with the leading facts connected with the geographical and statistical state and relations of Prussia. He thought that this was a subject worthy of consideration, and means ought to be taken to diffuse a similar knowledge with respect to Great Britain, through the means of those schools, to the boys educated in them. He hoped that if the right hon. Baronet should find the grant of 75,000*l.* insufficient, that he would recommend a larger grant. He concluded by expressing his satisfaction at what had been stated by the right hon. Baronet, and he thought that after that declaration his hon. Friend could not do better than to leave the matter in the hands of the Government.

Mr. *Hawes* was glad that the Motion of his hon. Friend had been brought forward, as it had elicited the important declaration of the right hon. Baronet. No grant which the Government could propose would meet with more cordial satisfaction from that House, than an increased grant for the purposes of education. In saying this, he could not but consider the grant of 75,000*l.* as inadequate for the great purposes to which it was intended to be applied. The education now afforded in our public schools was very imperfect. Private teachers were necessary in addition to the school instruction. This increased the

expenses, which were so great as to put it out of the power of the middle classes to avail themselves of them. He thought something like the collegiate system which they had lately established in Ireland might be introduced into this country with great advantage. It was necessary, also, to improve the position of teachers, and to induce men of talent and ability, by holding out to them sufficient advantages, to continue to devote themselves to the instruction of youth. With this view, he would suggest that a fixed annual sum should be allowed, in the shape of a pension, say from 50*l.* to 100*l.* each, to such schoolmasters as had distinguished themselves by great talent and long service in the instruction of youth.

Amendment negatived.

SCHOOL OF DESIGN.] On the Question that the Speaker do now leave the Chair,

Mr. *W. Williams* said, if the right hon. Baronet would consent to the appointment of the Committee for which he had given notice of his intention to move, he would not detain the House with a single observation.

Sir *R. Peel* believed his hon. Friend would be able to show that there was no ground whatever for the allegations in the petition upon which the hon. Member had founded his case for a Committee. If so, and considering that it would be most objectionable to do any thing that might tend to encourage insubordination in the school, he must refuse his assent to the Motion.

Mr. *W. Williams* would then proceed to call the attention of the House to the circumstances under which he brought forward the Motion. He believed he was in a condition to prove that great mismanagement existed in regard to this institution. That it had proved a complete failure for the objects for which it was instituted was proved by the Report of the Committee which had been just presented to the House. The Committee say—

"It is to be regretted that manufacturers are not more generally disposed to meet the views of such candidates for their service, and to afford them such facilities and liberal encouragement as would serve to secure, for the purposes of ornamental manufactures, much available talent, which, in default of such encouragement, is often withdrawn from the further study of ornament, and directed exclusively to the pursuit of fine art."

But the very next paragraph contradicted this, and showed that the school had excited the highest expectations amongst the manufacturers, for it stated—

"In the course of the last year, numerous applications have been received for the execution of designs in various departments of ornamental art, and every endeavour has been made to comply with these requests, as far as the execution of such commissions has been consistent with, and could be made to form a part of, the prescribed exercises and course of study in the school. Designs for different purposes have thus been furnished to manufacturers in London, and in several provincial towns, and from time to time manufacturers and others have purchased of students various designs which have been produced in the performance of the exercises of the school. In the number of such commissions, and in the extent to which the productions of the students are applied to commercial purposes, a constant increase is evident; and the numerous communications which come before the Council at each monthly meeting of the committee on correspondence, as well as the frequent visits and inquiries of persons connected with ornamental manufactures, may be noticed in proof of increasing relations between the school and those commercial parties whose interests this institution was especially designed to promote."

The failure of the school was attributed as he believed, to the constitution of its managing body. The whole management was confided to twenty-four gentlemen, who were called the Council of the School; and when was there an instance of any institution having a governing body of this nature, consisting of twenty-four persons, being successful? Some time after the commencement of the school, Mr. Dyce, a distinguished artist and very talented man, was appointed to conduct it, and he performed that duty with great ability and perfect satisfaction to all parties. He was, however, removed, in consequence of some dispute with the directors. A Mr. Wilson was then appointed director, a gentleman unlike Mr. Dyce, for he was neither artist nor workman. Subsequently, a gentleman most distinguished for his talent, an associate Royal Academician, and one of the most rising men of the day, Mr. Herbert, was appointed to teach the school. That gentleman, believing that the school was capable of producing great national advantages, undertook for a salary, which could be of no object to him, the duties of master. The great ability of Mr. Herbert was admitted by the Council themselves in their Report; he was, how-

ever, dismissed. And he understood that on the occasion of that gentleman's dismissal, four only of the twenty-four members of the Council were present. No doubt there were many highly talented men amongst the members of the Council; but the great misfortune was that they seldom or never attended. One great difficulty in carrying out the objects of such an institution as the School of Design was the getting together a class of talented young men advanced in the arts. That difficulty had, in this case, been got over, and a class was formed, consisting of thirty-nine young men efficient as artists, that efficiency being proved by the fact, that five of the prizes given in 1843 were obtained by members of this class; and last year the same class carried away thirteen of the highest out of twenty prizes. The young men composing this senior class wrote a letter to the Council, complaining that the director was not capable of affording them the instruction they required; and the Council for this, without any inquiry, ordered their expulsion. The right hon. Baronet (Sir R. Peel) said they should not encourage a rebellious spirit amongst the pupils; and no doubt he thought that the thirty-seven scholars who had made these representations to the Council were mere boys, or the sons of poor men. They were neither. There were amongst them the sons of gentlemen as respectable as many of those he was now addressing; and instead of being mere boys, they were for the most part men between twenty-one and thirty years of age, many of whom had evinced considerable talent. The Council had since offered to permit the return of those young men upon terms contained in a letter drawn up by this very Mr. Wilson, in language as offensive as could well be imagined. They were required to make a special application to the director, acknowledging the impropriety of their previous conduct, and expressing their intention to conform themselves in every respect, for the future, to all the regulations of the school, as laid down by the directors. This might be a proper way to treat boys of fourteen or fifteen years of age; but it was not the way to treat men who had left the school not from any rebellious spirit, but because they found they were wasting their time there for want of sufficient means of instruction. These pupils had offered to Mr. Herbert, their former master, the same salary he had been allowed at the school, namely, 100*l.* a year, if he would undertake their instruction, devoting only one-half of the time to that duty which he had been required to give at the school; but that gentleman refused, for he could make five times as much by applying the same time to his profession. In consequence of the young men who gained the prizes last year being expelled, there was now nobody in the school to compete for them. And here he must say that the Council had acted with less fairness than he expected, in declining to mention in their Report the names of those students who gained prizes last year, and were afterwards expelled. He was informed that the exhibition this year exhibited a miserable lack of talent, and the prizes were chiefly obtained by persons who could not be said to belong to the school —certainly by persons who had not been educated therein. One person, who had gained two prizes, had been seven years a designer in some of the manufacturing districts of Scotland, and had obtained a respectable living there by his talents as a designer. Another person, who had gained three prizes, had only been three months at the school, having been educated elsewhere. Two or three other old designers had obtained prizes. Let the House look at the falling-off in the number of pupils this year, as compared with the last. In April, 1844, the number of pupils attending the evening classes was 196; in July it was 189, showing a falling-off of seven. This year, the number in April was 186, and in July, as he was told, it was only 111, being a falling off of seventy-five. This was to be attributed to the proceedings of the Council in expelling thirty-seven of the most advanced and most able young men in the school. What was the present state of the school? Mr. Pugin, one of the most able men in this or any other country, stated that there were but two Englishmen of any talent in his service as decorators in the Gothic department, and these were two of the pupils who had been expelled from the School of Design. In a letter which Mr. Pugin had made public, he gave it as his opinion that there was no hope of seeing any real good effected by the School of Design, as at at present managed; though under a different system it might have been made the means of creating a school of national

artists. Should his Motion for a Committee be not granted, he would entreat, for the sake of the public good, that, at all events, the right hon. Gentleman would dismiss the Council, and, instead of having twenty-four members, assemble a smaller body who would attend. He attached great importance to the subject. Owing so much as he did to manufactures, he felt the greatest possible interest in their advancement in every way. The hon. Gentleman concluded by moving that—

"A Select Committee be appointed, to inquire into the allegations contained in the Petition of the Senior Students of the School of Design in Somerset House, and into the general management and present state of that School."

Sir *G. Clerk* was unable, upon the part of the Government, to comply with the proposition of the hon. Member, as he thought that nothing could be more calculated to destroy the prospect of public benefit arising from the School of Design, than for the House to accede to the prayer of a small number of students for a Committee of Inquiry into their allegations. The hon. Member's complaints seemed to resolve themselves into two classes, the one founded upon gross partiality alleged to have been shown to Mr. Wilson, the other on gross injustice alleged to have been perpetrated towards Mr. Herbert. Mr. Wilson was chosen by the directors to succeed to Mr. Dyce, upon that gentleman's withdrawal from the establishment. He was an artist of very high talent, and one for whose works considerable prices had been given by the best judges. Besides his qualifications as an artist, Mr. Wilson was a man of fine taste and extensive knowledge of the history of the fine arts. Now, the duties of director of the School of Design were different from those of a mere teacher of painting. He did not wish to say a word in disparagement of Mr. Herbert; but he was employed in the school merely to teach drawing from the figure—not a primary or principal object of the School of Design, but one of an entirely subsidiary nature. Mr. Herbert was not a teacher of ornamental design; but unfortunately, because the pursuit of drawing from the figure was one more likely to be attractive to young men of artistic talent, than the mechanical work of designing patterns, there was a tendency on the part of many of the young persons frequenting the School of Design, to go there with the view rather of studying in order to become artists, than mere designers of patterns for manufactures. To this fact, might be traced the late unfortunate disturbances in the school. By far the larger numbers of the alleged "senior students" were under nineteen years of age; four of them were only fifteen, another four were only sixteen, and only five or six were above the age of twenty. An unfortunate difference, in which the petitioners had taken part, had arisen between Mr. Herbert and Mr. Wilson, the former having applied disparaging epithets to the latter, for which there could be no justification. According to the rules of the school, notices had been affixed to the doors of the class rooms, stating that certain students had incurred punishments for inattention. One of them had been attached to the door of Mr. Herbert's class room, and he and his pupils took up the matter as a personal insult. An unseemly altercation took place in the class room, Mr. Herbert appealing to the students against the character of Mr. Wilson. It was then found necessary, in order to preserve discipline, to suspend the class. Let them examine some of the statements of the students implicated; and then let them say whether such representations, coming from boys, many of them under fifteen years of age, to the effect that Mr. Wilson was incapable of giving them instruction, could be for a moment entertained by the House. The grievances of the students had been put into a printed shape, under the title of their "depositions." Now, among the students, there was one person, twenty-nine years of age, named Hearn; and in order to show the animus by which these lads were inspired, he would direct attention to some of his statements. This gentleman then stated, that Mr. Wilson took him into his private room to show him some of his (Mr. Wilson's) original drawings; and that on being left to copy one of these, he discovered in a corner of the canvass the name of an Italian artist. The inference was obvious. Now, the fact was this, Mr. Wilson had given this young man to copy some characteristic drawings of his own early Italian architecture, upon which he had written in the corner the name of the place at which the several drawings were made, and which this learned critic

mistook—never having heard of the town of Orvieto—for the name of some great unknown and unappreciated Italian artist. After this specimen of the talents and acquirements of the leader of the dissatisfied students, he put it to the House whether, on the ground of such complaints, the hon. Member had made out his case for inquiry? However, if the hon. Member was right in his statement that the School of Design was making no progress, that would be an important point in his favour. He hoped that he would go to the exhibition now open at Somerset-house, and perhaps he would there see what would make him change his opinion. That exhibition was one of the best which had yet been opened to the public, and it had been got up without any particular ostentation or straining after effect. But the best proof of the excellence of the patterns consisted in the fact that no sooner were they exhibited than the greater number were purchased at high prices by eminent manufacturers. There was a test of the progress which the school had made. He believed, too, that applications had been made by various manufacturers to the Council to recommend them to young men as designers in various branches of industrial production. Many persons, too, who had formerly received their patterns from France, found it unnecessary now to do so, as they were enabled to get patterns here drawn with just as much skill and taste as any received from abroad. Another proof of the success of the school would be found in the progressive increase of the students. Considering, indeed, the shortness of the time during which the school had been founded, it was surprising how so much had been effected by it; and although these students had complained of Mr. Wilson not being able to impart instruction to them, yet that gentleman had received the most flattering testimonials from those who were really the senior students of the school, thanking him for the instruction and information which he had communicated to them, both as regarded the history and the style of art in all ages and all countries. Under these circumstances, looking to the progress which the school had made, to the satisfactory nature of the present exhibition, knowing that the situation of Mr. Herbert had been filled up by an artist of quite as great reputation; knowing all this, and being of opinion that the recent attack on Mr. Wilson had been dictated by a bad heart, he trusted that he had said enough to show the House the propriety of refusing the Committee moved for by the hon. Member.

Mr. *Ewart* thought the time of the House ought not to be taken up by mere personal disputes; but on that portion of the question which was not personal a Member was justified in making a few remarks. What was the aspect of the case before them? Did the hon. Baronet deny that the school was disorganized? Thirty-seven of the senior pupils had seceded; he called the school disorganized, for it was thus torn and rent asunder. Mr. Herbert, the master, had left; the complaints were general; the manufacturers complained that they could not get good designs; Mr. Pugin, one of the most eminent judges of art in the country, declared the state of the school to be highly unsatisfactory, and said he was obliged to seek out artists to work his ornaments on the Continent. Had they not a right then to ask for inquiry? For what purpose was the school originally established? It was established by Lord Sydenham, in consequence of the Report of a Committee of which the hon. Member for Lambeth (Mr. Hawes) and other hon. Gentlemen were Members. He was asked by Lord Sydenham to be a member of the Council, but, disapproving of the constitution of the school, he refused; the school, he believed, would have gone on well had it been properly conducted, and he believed it would hereafter produce excellent effects. But the hon. Baronet (Sir G. Clerk) seemed to consider that the object of the school was to make workmen, not artists. That was the fatal error; in that consisted the error of the whole system. A school of design ought to rest upon two things—the study of the human figure, and copying from nature. This was the course of study pursued by the most eminent artists, like Raffaelle, or those who had wrought practically in the art of ornament, like Benvenuto Cellini. The great school of Napoleon at Lyons was based on the study of the figure; and the school at Somerset-house would attain greater eminence, if the same course of study were adopted. In Paris, in the *Ecole Royale de Dessein* and the *Ecole Communale*, study from nature and life was rigidly enforced. In the school at Manchester

the study of the figure was introduced under Mr. Bell; a dispute arose with Lord Sydenham on the subject; the study was discontinued, and to that might be attributed the decline of the school. As to the constitution of the school at Somerset-house, he agreed with the hon. Member for Coventry that it was doubtful whether its government should be intrusted to a board. He had no faith in the divided government that existed under boards, and he believed the right hon. Baronet the Home Secretary would incline to the same opinion. He would rather see some one person responsible to that House. In a council of many members there would be sure to be parties, or, the greater number absenting themselves from idleness, the real authority fell into the hands of five or six. He had no wish to use such a word as "job:" but in this case things had a tendency to become such in the hands of a junta. He thought there ought to be an inquiry, and if the hon. Member divided, he should support him.

Mr. *Wakley* had hoped that one of the Council would have offered his opinion to the House, and was surprised the hon. Member for Lambeth had not done so. No answer had been given to the statement of the hon. Member for Coventry; the hon. Baronet (Sir G. Clerk) had undertaken the task, but the hon. Baronet must feel he had not discharged it to his own satisfaction. He could scarcely have weighed the case duly when he told the House it was a trumpery one. The public money was asked for to be expended on the school, and it was alleged to be in a state of disorganization; he was also informed, by persons fully competent to judge, that it was conferring little or no benefit on the community. Was this state of things to last? The Committee was asked for at a late period of the Session, and it was almost impossible then to go into an inquiry; but, would the Government grant a Committee at the commencement of the next Session? Were the allegations made by the students to be passed over unregarded? Where was their insubordination, or allegations of misconduct on their part? Was any charge ever made against them till they complained to the Council? For making that complaint they were expelled the establishment, and all their expectations and prospects blasted. Was the institution made for the masters or the students? The Report made by the Council to the House of Commons passed over the differences in silence; only the slightest reference was made to them in a portion of one paragraph. There was not a word about the dismission of Mr. Herbert; the Report was an attempt to deceive and practise a delusion on the House. The facts most material to the utility of the establishment were entirely concealed. Mr. Herbert's dismissal was an insult to that gentleman, and an injustice to the students; a gentleman of higher attainments and capability could not be found in the country—he was universally respected in the school, and was dismissed on account of a difference with the director. He thought there ought to be a fair inquiry. He understood, out of the twenty-four members of the Council, only four were present when Mr. Herbert was dismissed; and, besides this, he had heard that when a reconciliation was talked of between Mr. Herbert and the director, one of the four said, they must put a stop to this! The students merely complained of Mr. Wilson's incompetency, and he thought they would not have risked such a complaint without cause. The Council never inquired into the justice of their complaint, but dismissed them at once: was it to go forth to all the schools in the country, that the students must not complain of their masters, under pain of dismissal? The constitution of the school was generally defective. It was governed by a sort of piebald board; and with such a board it was perfectly impossible that the school would ever be well governed, neither would it ever be well conducted, while the favoured director was continued in an office to which he was incompetent. His incompetency laid the foundation of the insubordination of the pupils, and the influence of intellect, as a controlling power, was necessarily lost, or at least weakened.

Mr. *Hawes* said, the hon. Member for Coventry had received most incorrect information on this subject. He had also made use of language as regarded the Council of which they had a just right to complain. The conduct of the Council by no means laid them open to the charge of jobbing, or of being a clique, or of having "cooked up" their Report. The Council laid their Report upon the Table of the House, but they had not dared even to allude to the fact that they had dismissed Mr. Herbert, nor would the House have been aware of the fact had it not

been for the Motion of his hon. Friend. He said it was not dealing fairly with the House. He trusted that the right hon. Baronet would take the whole case into his serious attention before the next Session; because, in regard to the fine arts and the position of the working classes in respect of them, there could be no more important question. He understood that from Manchester alone upwards of 20,000*l.* was sent abroad for designs. It was true that the Report did not allude to the dismissal of Mr. Herbert, and he thought the Council would not have well discharged their duty to the public, had they filled it with a detailed account of the unfortunate squabbling which had broken out in the school. The Council deeply regretted the fact; but Mr. Wilson and Mr. Herbert could not agree—the Council failed in effecting a reconciliation between them; and as both gentlemen could not remain in the school, the Council, after deep and very anxious consideration, determined that it would be for the interests of the school that Mr. Wilson should remain director; consequently Mr. Herbert was compelled to retire. Mr. Wilson was well known to be an eminent artist. He had been sent abroad to report on works of ancient art; he made his Report, which was laid on the Table of that House, and it was one which had never been surpassed. The hon. Member passed a high eulogium on the talents and fitness of Mr. Wilson for his situation as director, and observed that that gentleman had furnished a Report on ancient art which was confessedly the best that had been made, and which had been considered sufficiently good to be printed by order of that House. The hon. Member for Coventry said the school had declined; but the amount of fees received in each year showed that it had gone on progressively. In 1838, the fees received amounted to 183*l.*; in 1839, to 167*l.*; in 1840, to 103*l.*; in 1841, to 133*l.*; in 1842, to 164*l.* in 1843, to 238*l.*; and in 1844, to 326*l.* The increase in the number of students was, of course, in the same proportion. The manufacturers regarded this school with so much interest, that they applied for and received several of the students as apprentices to ornamental work. There was not one of the directors that would not be glad to see any alteration made that could promote the interest of the school; but when inquiry was sought on the ground that they were a set of jobbers, he (Mr. Hawes) would not consent to an inquiry on such terms.

Mr. *Wyse* could also bear testimony to the fulness and fairness of the inquiry instituted by the Council into what he must designate as this unfortunate quarrel. He should feel it his duty to oppose the Motion as it then stood.

Mr. *Hume* would advise his hon. Friend not to press his Motion. The fact of the dismissal of a man of so much talent as Mr. Herbert, indicated that there was something wrong in the present system. There must be in the Report, he thought, a suppression of some important facts, and he trusted that Her Majesty's Government would consent to lay additional information on the Table, in order to enable the House to form a correct judgment.

Amendment negatived.

Police (Ireland).] Viscount *Clements* moved—

"The consideration of the petitions of John Connif, E. Kirwan, Robert Clegg, and Joseph Boyd, formerly in the Irish police; and further, to recommend some change being made in the regulations of that body."

The noble Lord complained of the system of quartering whole families on the public, by putting them into the police force, and also of the mode in which the pensions and superannuation fund were managed. The stipendiary magistrates received the largest sums as superannuation allowances in proportion to what they paid to the latter fund, whilst the privates who paid most, received the least. He thought it was altogether improper to mix up the magistracy and the police, and he could not understand the principle on which the superannuation allowances to the magistrates were regulated. The Government had been much abused for the appointment of Major Priestly as Deputy Inspector of Police; but he (Lord Clements) was happy to compliment them on that step, which he believed to be a wise one.

Sir *T. Fremantle* said, the charge was not of such a serious nature as to need a minute defence, and therefore, he should not enter on the question at any length. He reminded the noble Lord that it was the practice of the army for superior officers to try inferior, and it was sanctioned in the police by Act of Parliament. It was creditable to the management of Colonel M'Gregor, that the noble Lord

could bring no stronger charges against the police than those he had made on this occasion. He (Sir T. Fremantle) regretted the dismissal of some of these persons, because he knew that three of them were men of good character; but with respect to Boyd's case, that individual had stated, that he had applied to Lord Clements, because he understood that he could procure him a pension. Boyd, however, had had the full gratuity allowed by law previously, and so likewise had the others in question. The noble Lord had complained, that the sons of officers were appointed to situations in the constabulary; but he (Sir T. Fremantle) thought that was a fact for which the Government should be praised rather than blamed, as they thus rewarded old and deserving men, who had served their country. With respect to the non-receipt of rewards for the apprehension of offenders, it arose from the great difficulty in determining the right claimant. The noble Lord had referred to the evidence of Colonel M'Gregor; but he was bound to say, that Colonel M'Gregor had the confidence of his superiors, and that he eminently deserved it. In regard to the military character of the police in Ireland, he should be very glad that they could go about without arms; but the state of the country rendered it impossible. Under these circumstances he could not agree to the Motion.

Mr. *Sheil* wished to ask a question respecting the distribution of the patronage over this force. Under the late Government, Colonel M'Gregor had appointed, he believed, two in three of the vacancies in the chief constables.

Sir *T. Fremantle*: No, one in three.

Mr. *Sheil* wished to ask what was the course now pursued, and whether the recommendation of Colonel M'Gregor was not considered almost conclusive?

Sir *T. Fremantle* said, that no change had been made by the present Government with reference to those appointments. All the inferior posts were placed at Colonel M'Gregor's disposal, and of the superior officers two out of three belonged to the Lord Lieutenant, and a great many were given to the sons of officers. The third belonged to Colonel M'Gregor, to promote such officers as he considered entitled to promotion.

Motion negatived.

House in Committee.

COMMITTEE OF SUPPLY.] The first Question was, that the sum of 3,410*l.*, be granted to defray the charges of the Civil Establishment of the Bahama Islands.

Mr. *C. Buller* wished to make some observations on this Vote. The population of the Bahamas was 25,000, and the local revenue was 21,943*l.* He thought, that with such a revenue they ought not to come to this country for any more. The great principle of these Colonies ought to be that they should cut their coat according to their cloth. He found in these Votes 5,670*l.* for judicial officers. Then there was an income of 3,227*l.* for clergymen. Could these Colonies provide nothing for clergymen? He did not mean to divide the House; but he hoped that next Session these Estimates would be brought forward at a better time, and that those who objected to these charges on this country would take the opportunity of recording their sentiments on the subject.

Vote agreed to.

On the Question that a sum of 4,049*l.* be granted for the Civil Establishment of the Bermudas,

Mr. *C. Buller* said, that this was on a different footing, as the Bermudas were a penal settlement, but considering that the population was only 10,000, and the revenue 15,000*l.*, and that this year there was a surplus of 1,907*l.*, they ought not to come and ask of this country a sum of 4,049*l.*

Mr. *G. W. Hope* said, that the Bermudas were a great military station, in consequence of their being a penal settlement, and that increased the charge. This relief had always been given to the Colony, for though in some years there was a surplus, in others there was a deficiency.

Vote agreed to.

On the Question that the sum of 3,070*l.* be granted, to defray the charges of the Civil Establishment at Prince Edward's Island,

Mr. *C. Buller* said, that this was about the worst case he knew. The population of this Colony was nearly 50,000; the revenue was 10,500*l.*; the island possessed a very rich soil, and an admirable climate, and yet we were charged with this additional Estimate. He did not object to the payment by this country of the salary of the Lieutenant Governor, for he thought the most prudent course

would be to defray from the public funds of this country the salaries of Colonial Governors and of their secretaries. But he could not conceive why the Colony should not pay the salaries of its chief justice, attorney general, and other officers. He would not now divide the House on this Vote; but he wished to state, that it was his intention, during the next Session of Parliament, to do more than merely call the attention of the House to these subjects.

Vote agreed to.

On the Question that the sum of 12,000*l.* be granted to defray the charge for the Civil Establishment at St. Helena, and for pensions and allowances to Officers of the East India Company's late establishment in that Island,

Mr. *Williams* said, he thought this Vote excessive in amount. There were in St. Helena forty officers paid by the people of this country, to govern a population of 4,800 persons; and the collection of a revenue of 15,000*l.* in that island cost 2,593*l.*, or about 17½ per cent. During the war this island was of great importance to the East India Company, and he thought that Company ought to pay the salaries and allowances of their retired officers.

Vote agreed to.

On the Question that 7,219*l.* be granted to defray the Expenses of the Settlement of Western Australia,

Mr. *C. Buller* said, the population of this Colony consisted of 3,476 persons, and these unhappy people were taxed, for local purposes, to the amount of 9,070*l.*, or nearly 3*l.* a head. He wished to know how that money was spent?

Mr. *G. W. Hope* said, if the hon. and learned Gentleman had given notice of the question, he would have been prepared to answer it. There were numerous charges for colonial chaplains, colonial surgeons, and other purposes which were not included in the present estimate.

The *Chancellor of the Exchequer* said, a considerable sum had been expended in this Colony in the erection of public buildings.

Vote agreed to.

On the Question that a sum of 3,171*l.* be granted to defray the Expenses incurred at South Australia,

Mr. *Hindley* said, the Government had made an agreement with purchasers of land in this Colony, by which the money paid for land was to be applied to the promotion of emigration. A very extravagant outlay had been made by one of the Governors on public buildings; the late Government had refused to honour his bills; and a sum of 56,000*l.* had been appropriated from the funds acquired by the sale of land to defray this outlay, instead of its being applied to the extension of emigration. He wished to know whether the Government intended to apply the sum which had thus been taken from the fund to purposes of emigration?

Mr. *G. W. Hope* said, the agreement was that the fund derived from the sale of land should be liable, in the first instance, to meet any expenses necessary for the purposes of the Government; and that, if it was not so required, it should be applied to promote emigration. It was, undoubtedly, the intention of the Government to apply as large a proportion as possible of the money received for the sale of land to the promotion of emigration to South Australia.

Vote agreed to.

On the Question that the sum of 329*l.* be granted in aid of the charge of the Settlement at Port Essington,

Mr. *C. Buller* asked whether there was any truth in the report, that it was the intention of the Government to establish convict Colonies in the northern part of New Holland?

Mr. *G. W. Hope* said, there was no intention of establishing such a settlement at or near Port Essington. He could not say that such an establishment might not be formed in the north of New Holland, but nothing had yet been determined on the subject.

Vote agreed to.

On the Question that the sum of 11,353*l.* be granted for Expenses of the Ecclesiastical Establishment of the British North American Provinces to the 31st of May, 1846,

Mr. *W. Williams* objected to the Vote. He thought that the proposed amount was too much; besides this, he thought that the principle of paying the clergy by votes of this kind was most objectionable, especially in a Colony like Canada. He wished to know what had become of the proceeds of the hundreds of thousands of acres that had been reserved for the clergy, and which had been actually sold to defray some of the expenses of the Colony. Why, he wished to ask, had not

the produce of those sales been applied to the payment of the clergy? He would divide the Committee upon the Vote.

Dr. *Bowring* objected to the difference between the amount of salary paid to the Protestant and Roman Catholic bishops of Newfoundland and Nova Scotia.

Mr. *Sheil* objected to the distinctions made between the salaries paid to the Roman Catholic and the Protestant bishops in the Colonies. In Newfoundland, for instance, the salary of the Roman Catholic bishop was only 75*l.* a year, whilst the salary of the Protestant bishop in the same locality was so large as to afford a remarkable contrast. He thought that distinctions of this kind ought not to be so remarkably kept up in a Colony inhabited by a Roman Catholic population.

Mr. *Hope* said, that the sum paid to the Roman Catholic bishops in Canada was the subject of agreement with the Government, and must be continued during their lives.

Mr. *Sheil* said, that he only wished to call the attention of the House to the disparity between the payment to the Roman Catholic clergy and to the Protestant clergy. He thought that a distinction of this kind ought not to be made.

Viscount *Sandon* observed, that the Protestant bishop of Newfoundland got nothing at all; and before they proposed any increase to the amount paid to the Roman Catholic bishop, they ought to be sure that he would receive it, seeing how much opposed the Roman Catholic hierarchy of Ireland were to any connexion with or payment by the State.

Mr. *C. Buller* said, that the Roman Catholic Church in Canada was richly endowed. The Catholic clergy in Canada were well provided for, and most comfortably situated. The Established Church was also well provided for. However, without wishing to deprive those establishments of their endowments, he should vote with the hon. Member for Coventry.

Mr. *G. W. Hope* said, that the whole of these charges were for the lives of the individuals only.

Mr. *C. Buller* observed, that if so, if they were merely annuities payable to certain individuals, he would not oppose the Vote.

Viscount *Sandon* said, it would be an extremely improvident act to dispose of the clergy revenues at present, as suggested by the hon. Member for Coventry, inasmuch as they were of but little value. Let them first train the inhabitants of those provinces to habits of industry and civilization, by which means those lands might be rendered much more valuable; and then, if they pleased, dispose of them. But it would be a miserable and mistaken economy to do so at present.

Mr. *Sheil* observed, that with regard to Lower Canada, there were no episcopal estates there. As yet, too, the Legislative Assembly of Lower Canada was undisturbed by religious dissensions, and he thought it would be very bad policy to introduce such dissension for the sake of so small a sum.

Dr. *Bowring* opposed the Vote.

Mr. *Collett* wished to ask, whether on the decease of the present Colonial bishops the charge would still be continued?

Mr. *G. W. Hope* said, that the impression was that those charges would cease; but that impression depended only upon statements made in Parliament.

Mr. *Williams* observed, that the same assertion had been made in 1845, and yet that the Vote remained the same.

Mr. *Hope* said, that the Vote had been diminished.

The Committee divided.—Ayes 60: Noes 18; Majority 42.

List of the AYES.

Acland, T. D.	Hayes, Sir E.
Acton, Col.	Henley. J. W.
Barkly, H.	Herbert, rt. hon. S.
Baring, rt. hon. W. B.	Hope, J. W.
Blackburne, J. I.	Hotham, Lord
Borthwick, P.	Ingestre, Visct.
Bowles, Adm.	Jocelyn, Visct.
Broadley, H.	Jones, Capt.
Bruce, Lord E.	Lefroy, A.
Bruges, W. H. L.	Lincoln, Earl of
Cardwell, E.	Mackenzie, W. F.
Clerk, rt. hon. Sir G.	Masterman, J.
Clive, hon. R. H.	Meynell, Capt.
Cockburn, rt.hn.Sir G.	Morgan, O.
Corry, rt. hn. H.	Nicholl, rt. hon. J.
Cripps, W.	Pakington, J. S.
Darby, G.	Palmer, G.
Denison, E. B.	Peel, rt. hn. Sir R.
Duncombe, hon. A.	Peel, J.
Estcourt, T. G. B.	Pringle, A.
Fitzroy, hon. H.	Sandon, Visct.
Fremantle, rt.hn.Sir T.	Scott, hon. F.
Gardener, J. D.	Sheil, rt. hon. R. L.
Gaskell, J. M.	Smith, rt. hn. T. B. C.
Gordon, hon. Capt.	Somerset, Lord G.
Goulburn, rt. hon. H.	Spooner, R.
Graham, rt. hn. Sir J.	Stuart, H.
Hamilton, G. A.	Tennent, J. E.
Hamilton, W. J.	Thesiger, Sir F.

TELLERS.

Trotter, J.	Young, J.
Vesey, hon. T.	Baring, H.

List of the NOES.

Bouverie, hon. E. P.	Mitchell, T. A.
Bowring, Dr.	Morris, D.
Brotherton, J.	Plumridge, Capt.
Buller, C.	Protheroe, E.
Colebrooke, Sir T. E.	Sheridan, R. B.
Collett, J.	Wakley, T.
Duncan, G.	Wawn, J. T.
Dundas, Adm.	
Fielden, J.	TELLERS.
Hawes, B.	Williams, W.
Hindley, C.	Crawford, W. S.

Vote agreed to.

On the Question that the sum of 18,895*l.* be granted for the Indian Department in Canada,

Mr. *Hindley* objected to it, on the ground that the amount necessary for that department should be procured on the voluntary system.

Mr. *C. Buller* said, that his impression was, that if that sum were to be paid by the people of this country, the best thing that could be done with it would be to throw it into the sea at once, for he believed that money never was more scandalously applied. When he held office in Canada, he caused inquiries to be made into the management of these Indian settlements, and he found that there were not three real Indians in the whole of them, in Lower Canada. The people were a kind of half-caste, and were as dissolute, worthless, and idle a population as were to be found anywhere on the face of the globe. The largest item in the Vote was one of 14,157*l.* for Indian presents, stores, &c., and he was aware that some importance was attached to those presents; but he was sure any one who was acquainted with the circumstances in which they were made would agree with him that they did a great deal more mischief than good. The Governor went up into the settlement, and he took care to give to the inhabitants nothing but what should be really useful, such as clothing, agricultural implements, and so on; but the fact was, that traders always went up also at the same time with the Governor, carrying with them brandy and tobacco, and articles of that description. The inhabitants, directly they received their presents from the Governor, exchanged them with the traders for the tobacco and brandy; and the consequence was, that the whole settlement invariably became the scene of the most licentious debauchery for the next fortnight or three weeks. He contended that there should be some inquiry as to the sums voted away for purposes of this nature. Upon such a subject no one could better advise the Government than Lord Metcalfe; and he hoped that before next year a report would be obtained from that noble Lord as to the utility of those presents.

Mr. *G. W. Hope* said, that the suggestion of the hon. and learned Gentleman had been anticipated. Inquiries were going forward, and he hoped, before next Session, information on the subject would be in the hands of Her Majesty's Government.

Mr. *W. Williams* thought that those presents were completely thrown away. Many of the Indians were better off than our agricultural labourers at home.

Vote agreed to.

On the Question that 48,800*l.* be granted for defraying the expenses of Stipendiary Justices in our West India Colonies,

Mr. *Hawes* said, they were nearly useless. In his opinion, an annual report ought to be made, setting forth the nature and extent of the services which they performed.

Mr. *G. W. Hope* said a few words in support of the Vote, the purport of which it was impossible to catch in the gallery.

Mr. *W. Williams* said, that he so decidedly disapproved of the Vote, that he should divide the Committee on it.

The Committee divided.—Ayes 61: Noes 10; Majority 51.

On the Question that the sum of 80,000*l.* be granted for the Expenses of the Establishment at Hong Kong, and the British Ports in China.

Mr. *Hawes* said, he thought this was an immense sum to commence with at these establishments.

The *Chancellor of the Exchequer* said, the expenses of living were very high at these places, and that in consequence of their reported insalubrity it had been found necessary to give increased salaries to induce persons to accept offices there.

Vote agreed to.

Chairman then reported progress. House resumed. Committee to sit again.

PHYSIC AND SURGERY BILL] On the Order of the Day for going into Committee on the Physic and Surgery Bill,

Sir *J. Graham* rose to state the alterations he proposed to make in this Bill. It was his intention to move that the House should go into Committee *pro formâ*, in order that his proposed Amendments might be printed, and it was his intention to proceed with the measure in the next Session of Parliament. The right hon. Baronet went on to state that it was his intention to adhere to his proposal to incorporate the general practitioners, and that in England there should, in all cases, be two examinations before the parties should be admitted as general practitioners. He also adhered to the provision which made the age at which the examination should commence twenty-two years. But, instead of the examination before a joint board of physicians and surgeons, he proposed that the first examination should be by a board of general practitioners, and that subsequently there should be an examination before a joint board of surgeons and physicians. Those who passed both examinations were then to be registered as general practitioners, and to become members of the College of Surgeons. He further proposed that the fees for examination by the Colleges of Physicians and Surgeons should be raised, so as to pay the examiners properly, and provide for the museum and library, &c. of the College of Surgeons, to which the candidates would belong, viz. 5*l*. 5*s*. for the College of Physicians, 5*l*. 5*s*. for the College of Surgeons, and 10*l*. 10*s*. for the museum, library, and general expenses. He proposed also that the examinations in Scotland and Ireland by the Colleges of Physicians and Surgeons should be kept distinct, in order to equalize the number of examinations for the license of the general practitioner in the three kingdoms. On removing from one kingdom to another, all classes of practitioners to be admitted members of the corresponding College in the kingdom to which they so remove, without further examination, but on payment of the same fees as if they had been originally examined and admitted members of that College. Army and naval surgeons and those intended to practise in the Colonies need be examined only by the Colleges of Physicians and Surgeons (besides the army and naval medical boards in the case of army and naval men); but he did not propose that they should thereby acquire the right of practising in England within five years, unless they had also passed the College of General Practitioners. Those who were now practising in England with Scotch or Irish diplomas as general practitioners, to be admitted to register as general practitioners without examination. He further proposed that the clauses relating to Universities should be struck out, and no restriction imposed either as to the time of residence necessary for granting degrees, or the assumption of the titles of graduation. With respect to the nomination of the members of the Council of Health, he proposed that the number should be reduced from nineteen to, at the highest, thirteen, including the Secretary of State; and that the Crown should have the right of nomination. Application had been made to him to advise the Crown to grant a supplementary charter to the College of Surgeons. That matter was now before the Crown, and arrangements had been made which, he believed, would induce him to advise Her Majesty to grant the supplementary charter.

Bill went through Committee *pro formâ*.

Mr. *Wakley* very much feared that the changes proposed by the right hon. Gentleman would not be satisfactory. The right hon. Gentleman had certainly taken great pains in reference to the subject, and the public were indebted to him for the services rendered them on this question; but, instead of simplifying his plan by the proposals he had now made, he (Mr. Wakley) was afraid that the additional number of examinations—the double examinations as to Scotland and Ireland—would not be satisfactory. The profession, however, would have an opportunity of considering the question during the recess, and he hoped that all parties would concur in bringing about a satisfactory conclusion to this very important, but extremely difficult question.

Bill as amended to be printed.

House adjourned at two o'clock.

HOUSE OF LORDS,

Tuesday, July 29, 1845.

MINUTES.] BILLS. *Public.*—1ª. Customs Laws Repeal; Customs Bounties and Allowances; Customs Management; Shipping and Navigation; Trade with British Possessions Abroad; Warehousing of Goods; Stock in Trade; Isle of Man Trade; Removal of Paupers; Customs Duties; British Vessels; Smuggling Prevention; Customs Regulation.

2ª. Real Property (No. 3); Joint Stock Companies (Ireland); Grand Jury Presentments (Dublin); Taxing Masters, Court of Chancery (Ireland).

Reported.—Lunatics; Bills of Exchange, etc.; Railways (Selling or Leasing); Bonded Corn; Land Revenue Act Amendment; Testamentary Disposition; Compensa-

tions; Criminal Jurisdiction of Assistant Barristers (Ireland); Militia Pay: Stamp Duties, etc.; Masters and Workmen.

3ª. and passed.—Lunatic Asylums (Ireland); Drainage (Ireland); Highways; Silk Weavers.

Private.—2ª. Epping Railway; Grimsby Docks; Leeds and Bradford Railway (Mistake Rectifying).

Reported.—South Eastern Railway (Deal Extension); Earl of Powis's (or Robinson's) Estate; Darby Court, Westminster.

3ª. and passed:—Eaewash Valley Railway; Glasgow Junction Railway; Manchester and Leeds Railway; Leeds and Bradford Railway (Mistake Rectifying); Glasgow, Barrhead, and Neilston Direct Railway; Oxford, Worcester, and Wolverhampton Railway; Oxford and Rugby Railway.

PETITIONS PRESENTED. From General Assembly of the Free Church of Scotland, and from Haddington, and from Lochwinnoch, against the Poor Law (Scotland) Act Amendment Bill.

IRISH GREAT WESTERN RAILWAY BILL.] The Earl of *Besborough* said, that he thought that no noble Lord who had read the Report, could doubt that fraud had been perpetrated in making out the lists of subscribers to the Railway. It was not intended in the Report to bring a charge of this kind against the directors; but that it had occurred through their negligence. The House was aware that, in undertakings of this kind, it was customary to put in the list of the provisional committee the names of persons of influence, and more especially those connected with other railways; but if persons suffered their names to be thus used, they should take care to see that the proceedings were properly carried on. The noble Earl then proceeded to read extracts from the evidence taken before the Committee appointed to inquire into the allegations of Mr. Pym's petition with respect to the allotments of shares, with the view of showing that the statements in that petition had been proved. He thought that the statement of his noble Friend (the Marquess of Clanricarde), that the first part of the Report had not been proved by the evidence, could not be sustained. He, therefore, was satisfied, in consequence of the utter want of adherence to the Standing Orders of that House by the promoters of this Bill, that they could not allow it to proceed. It could not also be said, that the second Report did not sustain the allegations in the first. Under these circumstances, he felt it to be his duty to move that the Bill be taken into further consideration this day three months.

The Marquess of *Clanricarde* could not understand the reason that induced his noble Friend to fix on this particular Railway Bill with such energy, with a view of preventing the further progress of it. He did not see why this Bill should be stamped with a character of fraud, when many other Railway Bills, against which the same charge could be sustained, as to the names of unqualified persons being affixed to the contract deed, had been allowed to pass without any observation. His complaint against the Report of the Committee was, that it brought the charge of systematic fraud having been used for the purpose of obtaining the requisite number of signatures. Now, had his noble Friend said one word, or quoted a single portion of evidence, to show that any man had been induced against his will to sign the contract deed to which his name was affixed, or that greater frauds had been perpetrated by persons getting shares without reference and inquiry, than was the case with other railways? When a specific charge of fraud was brought against any one, the Committee should show that there was good evidence to sustain such an accusation; but there was no evidence to justify such a charge. He denied the whole of the allegations contained in the Report of the Committee. The whole of the proceedings with respect to the appointment of the first Committee, were irregular. That Committee was named to inquire into the allegations contained in the petition of a Mr. Pym, a stockbroker in Dublin, who was largely interested in the success of atmospheric railways; and who was also a large canal proprietor, and, like other canal proprietors, was opposed to this Bill, under the notion that it might be injurious to his interests. So it might be immediately, but would not ultimately; and some of those people had seen their mistake, and withdrawn their opposition to railways; but then Mr. Pym was a shareholder in another railway, and he (the Marquess of Clanricarde) was glad that the House had inquired into the allegations of Mr. Pym; but he contended that their Lordships ought not to pounce upon an unfortunate Bill, which had been actually victimized by fraudulent persons, and a company which could not protect itself against those fraudulent parties. Their Lordships ought to attack the system, not individuals. He trusted that next year there would be some material alteration in the system of railway government—the present system was most unsatisfactory. He knew that the House

was most unwilling to act against the Report of a Select Committee; but the proceedings of the Committee on this Bill were altogether different from those on any other that he recollected. The House should remember that Mr. Pym went before the Standing Orders' Committee; but his evidence was not received, because it appeared that he had no *locus standi*, as he was not a proprietor in the line, or had any other interest in connexion or in competition with it. This person, then presented a petition to that House, which was most irregularly referred to a Select Committee, which certainly was against the Standing Orders. He conceived that it would be a most unjust proceeding, if they did not allow this Bill to pass. He did not deny that some frauds had been committed, but he strongly denied that the directors and promoters of the Bill were in any way a party to them. [The Earl of *Besborough:* The Report.] The Report did not directly make such a charge; but it stated that some persons had got a certain number of signatures improperly affixed to the contract deed. Was it not notorious, that there was no description of ingenuity which was not resorted to for the purpose of obtaining shares, as such large profit was often derived from speculating in them? It was known, also, that the stockbrokers had now lists of persons, called black lists, who were constantly engaged in the traffic of shares, and many of these persons had imposed on persons engaged in promoting English and Scotch railways, who were much better able to protect themselves from such proceedings than the promoters of an Irish railway; and all this arose from the imperfect state of the law. The noble Marquess then proceeded to read a list of the names of persons who had imposed upon the directors of this Company, and who had been referred to in the Report of the Committee, and showed that those persons were subscribers for shares in several English and Scotch Railway Companies to a much larger amount, than was the case with respect to the Dublin and Galway Railway. By referring to *The Times* newspaper, in which the advertisement for this Company first appeared, it would be found that out of twenty-four advertisements of railway companies published in it, only four required any reference at all; and in the *Times* of the 6th or 7th of November last—he did not then recollect which was the date—there were no less than fifty railway advertisements, all inviting the public to take shares, and of these only ten required any reference to be given. Thus the Dublin and Galway Railway Bill was now to be thrown out because they did that which had been done by four-fifths of all the railways in England, Scotland, and Ireland, when they were really in the market. But he would come to what had been described as the model of a railway, and of a board of directors, namely, the London and York, and to that model of a witness, Mr. Moatt. When that gentleman had been asked whether they had had any applications from men of straw, such as stable-boys and men of that class, he replied that they had not above twenty applications in which they had been imposed upon. If, therefore, that Company, which was so much cried up, had been imposed upon in twenty cases, how could it be expected that a number of Irishmen forced to resort to the London share-market should be more successful? That reminded him of another argument. The evidence of this witness showed that even great English companies did not disdain to give allotments of shares at first without inquiry, and that it was only when they got a position in the market that they took the precaution to have men of undoubted credit selected as their shareholders. In fact, it was quite necessary at the commencement of such undertakings that more than ordinary risk should be incurred. The witness stated that it was found to be always the case that when capital was coming in, it begot other capital from subscribers of greater respectability. It was a notorious fact that in the case of the Greenwich Railway, which now, he believed, carried as many passengers as any railway in England, that fully half of the capital, when the Bill passed through Parliament, was utterly bad, but that these shares afterwards fell into good hands. And in another railway, also—the Gloucester and Bristol Railway—which now conferred great benefits on the part of the country through which it passed, upwards of one-third of the subscription list, as it originally stood, was found to be bad, though the shares of this company were now selling, or had been selling two days ago, at 30 per cent. premium. He could not, therefore, see why they were to make an example of the Dublin and Gal-

way Company, whilst others had been allowed to pass. It was quite possible for parties to get up fraudulent cases, for the purpose of extorting money from the directors. For instance, four persons, A, B, C, and D, might sign the subscription list for each other, and then if they found the speculation not to answer their wishes, they could go to the directors, and, under threats of exposing their own dishonesty, extort money from them. In this way, he could account for the petition of the person, or rather the name of Gerard Barry. No such man could be found, and though the name was one that sounded familiarly enough, it could not be discovered that this person had ever existed. The entire amount required to be subscribed in this Company, under the Standing Orders, was 810,000*l.*, while the amount really subscribed was 819,000*l.*, of which 67,200*l.* was found to be bad. But then by the alteration which had been proposed in the original plan, a saving of twenty miles would be effected, in consequence of the Galway line joining the Cashel line at Portarlington. A sum amounting in the entire to 228,000*l.* would, from this and other circumstances, be available over and above what was necessary to complete the line, independent of which the Great Southern and Western Railway Company now offered to subscribe 100,000*l.* additional capital if the Bill were now passed. The noble Marquess proceeded to refer to the evidence of Mr. Mulvany, the engineer, and of General Sir John Burgoyne, chairman of the Board of Works in Ireland, given before the Committee, to show the great importance of this line of railway, and then continued to say that he would humbly submit to the House that this Bill should be allowed to pass on the ground of its great utility to the country —on the ground that its rejection could effect no public good—on the ground that by throwing out the Bill they could do right to no person who had been wronged —that they could not remedy any imperfections in their law—and that they could do nothing except put a stop to one of the most important works that could be undertaken in Ireland, and that, too, at a most critical period in the affairs of that country. The present Session had not been either a very short or a very unimportant one, and yet he would put it fairly to the House what had they done for Ireland? They had certainly made an attempt to improve the social, political, and religious feelings of the country, by passing certain bills for the promotion of education, but they had effected nothing farther. They had old reports from Committees appointed over and over again to inquire into the state of Ireland, and to these they had now to add the report of the Commission over which his noble Friend (the Earl of Devon) had presided. All these reports described again and again the misery and wretchedness of the people, and the necessity of procuring employment for them, if the Legislature wished to alter their condition. But the Parliament had done nothing. They had made no additional grant for public works in Ireland—they had made no provision for improving the Poor Law, or for providing for emigration, or in any other way for benefiting the country; and yet now when a number of great capitalists came forward and offered to execute this great public work, which would give employment to the poor, develop the resources of the country, and add to its improvement in every possible way, and when all they required was permission to lay out their money, the House was about putting an entire stop to this most beneficial undertaking, solely on the ground that the directors had been deceived by fraudulent persons in London. It was not unlikely that such men as General Caulfield (and a more honourable, respectable, and venerable officer could not be named) would be unable to detect such parties, when men like Sir I. Goldsmid and Mr. Hudson had been deceived by them. He (the Marquess of Clanricarde) could not believe that the House would thus stop this Bill; it ought, he conceived, to be re-committed.

Earl *Bathurst*, as chairman of the Committee on the Bill, wished to state that they had not felt themselves the less bound to report the frauds they found, because such practices might have existed elsewhere. In fact, the Committee had given no opinion on the Bill, nor was the House placed under the necessity, therefore, of sustaining any finding of theirs. The Committee had only reported that certain frauds had been committed; and they had left it to the House to decide whether those frauds so vitiated the Bill that it ought not to be passed.

The Earl of *Wicklow* said, he was extremely sorry to find that he was compel-

led to vote against the further progress of the Bill. He believed that the work would be a most beneficial one for Ireland. But it should be remembered that that was the first case of gross and palpable fraud in connexion with the proceedings of railway companies that had been brought under their Lordships' notice; and he certainly thought that they ought not to allow those frauds to pass unpunished. He had a further reason for objecting to the passing of the Bill, and that objection was founded on the fact that their Lordships could have no security that the money necessary to construct the works would be forthcoming, and that those works would be completed.

The Earl of *St. Germans* said, he could not agree in the remark as to the peculiar character of the parties deceived. The directors were not unsophisticated Irishmen, but, for the most part, gentlemen resident in London. It would not, in his opinion, be desirable that the House should interrupt the labours of the Committee on the Bill. It appeared to him, on the contrary, that they ought to allow that Committee to proceed, and to hear all the evidence that could be adduced in the case. He believed that it would be quite consistent with the practice of Parliament to allow supplementary subscription lists to be put in, and that practice might be adopted in the present case. He did not ask their Lordships to pause before they determined on rejecting the measure, on the ground that they should look more favourably on the Bill because it was one affecting Ireland, than they would look on a Bill affecting England. All he asked was, that justice might be done in the matter. He admitted that a case of great laxity and carelessness had been made out against the promoters of the line, but he did not think that they ought at once to determine at that stage on rejecting the Bill. Let the Select Committee proceed with its inquiries, and pronounce a decision on the merits of the case, after they had heard all the evidence that could be brought forward on the subject.

Lord *Beaumont* said, that he should not have had the least hesitation in acceding to the Motion of the noble Earl, if he thought that by rejecting the Bill he would be punishing the parties who had committed those frauds. But the fact was, that they would not by that means be punishing those parties, but innocent persons, who had in no way contributed to those frauds. The individuals who had fraudulently obtained the scrip had since parted with it, at a considerable profit to themselves; and that scrip was now held by persons who were ready and able to pay up the amount of their shares. It appeared that they could not punish even the managers; for those managers had sold out the 500 shares which each of them had taken in the first instance. In his opinion, their Lordships ought, if possible, to adopt such measures as would prevent the sale of scrip immediately after it had been allotted; for that was the source of all the most objectionable proceedings in connexion with railway speculations. He considered the fairest course would be for the Committee to enter upon the consideration of the preamble of the Bill, and ascertain whether there were funds sufficient to carry out the project in case the Bill should ultimately pass. But he had only to observe in conclusion, that it seemed to him very expedient that the House should, without delay, adopt some general measure for the prevention of the perpetration of any similar frauds in future.

The Duke of *Cleveland* fully agreed in the sentiment expressed by the noble Lord who had just sat down, that it was most desirable for that House to take some means to prevent such frauds as those complained of from being practised. It was alleged as an excuse for the conduct of the Company under consideration, that similar practices were carried on in all Railway Bills; but that was no ground for permitting a fraud which was detected from being punished. The present case was, it seemed, the first one in which those frauds had been found out; and it was then certainly the duty of Parliament to take cognizance of that which had been detected. The time had arrived when it became absolutely necessary to endeavour to put an end to the system of jobbing which was now going on; and before the present Session terminated he thought it indispensable that the Legislature should come to some general resolution on the subject—a course which would deter the promoters of railways hereafter from pursuing the line of conduct which they now did. One way he would suggest, by which he conceived the evil alluded to might be remedied, and that was, to in-

troduce a clause into every Railway Bill to prevent parties to whom shares were allotted, and who were subscribers to the subscription contract, from selling their scrip until at least two-thirds of the money should have been paid up. He hoped the House would not suffer the Session to pass, however advanced it might be in the year, without coming to some general resolution on this subject.

Lord *Redesdale* said, the real question before their Lordships was this:—A charge had been brought against certain parties of not having complied with the rules and regulations required by that House to be observed in its proceedings, and that charge having been fully brought home to them, were these parties to be allowed to go scot free? It was said, indeed, that their Lordships would not be punishing the guilty individuals; that the weight of their censure would fall upon those who purchased shares *bonâ fide*. Now those who had purchased shares knew very well they were doing an illegal act; and they should, therefore, be satisfied to take the risk and the consequences of their own conduct. The question here was, not whether or not this Bill would be a good measure for Ireland, but whether that House was prepared or not to uphold its own rules and Standing Orders? If it was a reason that these parties should not be punished because others had been guilty of similar practices, not a pickpocket who was detected in his guilt but might say, "Oh, you ought not to inflict punishment on me alone; there are twenty other persons picking pockets in the same place, you caught me—am I alone to suffer?" He had only to say in conclusion, that this was an occasion on which the House ought to enforce its own rules, if it did not make up its mind to let them be all considered as mere waste paper in future.

Lord *Monteagle* feared that when once a spirit of gambling got abroad, it would be impossible for any measures they might introduce to repress it. There were many laws at this moment in existence to prevent fraudulent practices, but they were found insufficient for that purpose. He doubted very much whether throwing out the present Bill would lead to any such salutary consequences as were calculated on. But at the same time, he should say that after the fraud which had been discovered in this matter, to pass this Bill now, would be productive of mischievous results. The House having adopted certain rules and regulations for the management of its business, was bound to enforce them; and though he confessed he did so with some reluctance, believing that this measure was calculated to be of great benefit to Ireland, he felt constrained to give his vote in favour of the Motion of the noble Earl behind him (the Earl of Besborough). He did not think that those gentlemen who took an active part in the management of this Company were guilty of fraud themselves; but they had not acted with sufficient caution, and were bound to have used more care in preventing the interests of others which were entrusted to them from suffering through their neglect. The rejection of the measure, however, did not by any means prejudice the undertaking hereafter; and as it was one calculated to be of great benefit to Ireland, he regretted that it should be postponed even for a time.

The Earl of *Devon* would briefly state why he intended to vote against the proposition then before the House. He would be glad to know how it was in any way necessary to the ends of justice that this Bill should be thrown out? Who were the parties to whom they were doing justice by rejecting this measure? Was it necessary to do so, with respect to the individual who had presented a petition to that House? Was it in justice to the landed proprietors through whose properties the line was to pass, that they adopted this course? Was it in justice to any other project that might be more advantageous, that they were called upon to throw out this Bill? No such thing. It was merely in justice to the House of Lords itself they were asked to do so. Now, such being the case, he thought there were peculiar circumstances in this matter which made it fit for them to consider whether it was right to take this means of vindicating their own orders. The Report of the Select Committee charged certain promoters of the Bill with having been guilty of frauds. Now, he did not think there was any evidence before it which sustained such an allegation. It was said the course the House was about adopting was for the purpose of punishing the parties who infringed its Standing Orders. Now, they would not be punishing those parties; they would be punishing others. Was not the arm of the law, however, sufficiently long to reach those who were really guilty? The

throwing out of a measure of so much importance as that was not the way to proceed. They might, even in vindicating their own orders, commit a great public evil in attempting to punish parties who were guilty of a fraud that they could not reach after all. He concluded by announcing his intention to oppose the Motion before the House.

The Marquess of *Clanricarde*, in explanation, observed that, notwithstanding all the allegations they heard about the Standing Orders, the reception of that petition had been an infringement upon them, such as had not taken place on any other Railway Bill in England or Scotland.

The Earl of *Besborough* then briefly replied.

The Duke of *Wellington* wished to make only one observation on what had fallen from his noble Friend near him (the Earl of Devon). There could be no doubt that the evidence went to show that nothing more could be charged against the directors than negligence in the performance of their duty. He had to observe, that in the commencement of the Report, the directors had been called upon, if they thought proper, to answer those charges, but as they had not thought fit to do so, he thought the proposition of the noble Lord must fall to the ground.

On Question, that the words proposed to be left out stand part of the Motion? House divided :—Contents 35; Non-contents 8 ; Majority 27.

Resolved in the *Affirmative*, and the further consideration of the Bill put off for three months.

NEW STANDING ORDER.] The Marquess of *Lansdowne* rose to propose the adoption of a Standing Order of which he had given notice. His attention had been called to the subject, in consequence of a court of justice, after full consideration, having determined that a special case should be made, for the purpose of trial by full court, of the simple and legal question, whether a person whose name was inserted in the Act of Parliament, although there was no proof of his having consented to its being inserted, was sufficient evidence of his being a director of the company to which the Act alluded? Whatever might be the result of that proceeding, he thought it was necessary for the protection of their Lordships and the public, that they should adopt the Standing Order he was about to propose. It was well known that it was the common practice to insert names of persons as directors of a company who had no knowledge whatever of its existence, for the purpose of inducing the ignorant multitude to embark their property in the undertaking. For the protection of the public, therefore, as well as of individuals, it was necessary that some such Standing Order as that which he had to propose should be adopted by their Lordships. The noble Marquess then laid on the Table a Resolution, that when in any Bill to be hereafter introduced for the purpose of establishing a Company for carrying on any work or undertaking, the names of any person or persons should be introduced as manager, director, proprietor, or otherwise concerned in carrying such a Bill into effect, proof shall be required before the Standing Orders' Committee, that the said person or persons had subscribed their names to the petition for the said Bill, or to a printed copy of the Bill, as brought up or introduced into the House.

Motion to be taken into further consideration on Friday next.

POOR LAW (SCOTLAND) BILL.] On the Motion of the Duke of *Buccleuch*, the Bill was read a third time.

On Question, that the Bill do pass,

The Marquess of *Breadalbane* said, that the Government would best consult the interest of Scotland, if they postponed the passing of that measure till next Session. If they persisted in passing it during the present, the consequence would be, that they would have to bring in a Bill to amend it next Session.

Lord *Cottenham* proposed to strike out the 17th Clause, which had no connexion with the Bill, and which went to unite South Leith to Edinburgh, for the purpose of parochial assessment for the poor, which was in direct opposition to the judgment of the Court of Session, and that of their Lordships, on the point involved in it.

The Duke of *Buccleuch* said, he could not consent to the omission of the clause. The decision of their Lordships had made the alteration in the law necessary.

Lord *Campbell* was surprised that Her Majesty's Government should still persist in this clause, which would bring a reproach on the Government. It completely reversed the decision of that House, confirming the decision of the Court below, on an appeal which he, as an advocate, sup-

ported, and his noble and learned Friend (Lord Cottenham), as Judge, being at the time Lord Chancellor, gave his unprejudiced opinion in favour of that decision. He had no hesitation in saying, therefore, that to attempt to upset it by a clause of this kind would be regarded as an iniquitous proceeding. He trusted, that his noble and learned Friend on the Woolsack would not hesitate to give the House the benefit of his opinion judicially upon the subject.

The Earl of *Dalhousie* defended the clause as a simple measure of justice. There was no intention whatever in proposing it to impugn the decision of that House, or to question the correctness of the opinion as to the law of the case laid down by noble and learned Lords opposite; but he was certainly astonished to hear it now argued, that because that House had decided that the law was so and so, therefore the Legislature was to be precluded from altering it. He admitted, that by the law, as it existed, the parishioners of South Leith were liable to be assessed for Edinburgh; but it was most unjust that they should be so, and he hoped their Lordships would not refuse them relief by acceding to this clause.

The *Lord Chancellor* said, he had read the case, and looked at the Act of Parliament, and would state his impression as briefly as possible. In the year 1756 the Heriot Hospital was the owner of the ground in question. That hospital had granted it under a certain contract to the persons under whom the present parties claimed. That was a contract for building houses, and it was provided that, if upon any future occasion it should be taken within the royalty of Edinburgh, it should pay poor-rate burdens to that city. It was clear that the contract entered into between these parties could not affect the parish of Leith, and the land in question was liable to pay parochial burdens to the parish of Leith. Therefore, in consequence of this contract, if the land in question had been included within the royalty of Edinburgh, it would have been liable to pay parochial burdens both to that city and to the parish of Leith. It was clear that that would be the effect of the contract between the parties, because no contract between particular individuals could affect the rights of the parish of Leith. The next point of the case was this—an Act of Parliament was passed ten years afterwards for the purpose of carrying the contract into effect. It recited the terms and provisions of the contract, and declared in express terms, according to the stipulations of the contract, that the spot in question should be included in the royalty of Edinburgh, and contribute to the public burdens of the city of Edinburgh. It had been said that it dissevered or disjoined that district from the rest of the parish of Leith; but although it did so, it said, in express terms, it should continue to contribute to the public burdens of the parish of Leith as heretofore. If there had been no Act of Parliament, the contract would have imposed double burdens. The Act of Parliament did not vary the case; on the contrary, it confirmed it, and in express terms stipulated that it should be liable to double burdens. That was the case decided before the Lord Ordinary, and the Court of Session, in conformity with the contract and the terms of the Act of Parliament. It afterwards came before their Lordships' House, and was argued at the bar, and their Lordships confirmed the decision of the Court below on the same grounds, viz., on the footing of the contract. Now what was the state of the case? The parties who held the property at this time, held it subject to all the liabilities of the original agreement, by which they were bound. The agreement passed with the land, with the title, and the parties were as much bound by the contract as the original contractors, and that was the decision of their Lordships' House. Under these circumstances what was now proposed to be done? It had been decided that the property was to be arranged between the parties by a certain mode. Their Lordships were now interposing after that decision, and, by Act of Parliament, practically to reverse it. They were saying this right shall be decided in a different way. If two parties litigated together in a court of law, and the decision was in favour of A, would it be reasonable to come to the Legislature and say, "Although the right is with A, we will legislate and say that in future the right shall be with B?" And that was really the case in the present instance. He had been called upon judicially to give his opinion, and he felt bound, however favourably disposed towards the measure, to say that he concurred in the decision that had already been pronounced on the question. Whatever decision their Lordships might come to, he was bound to state his real opinion.

He did not believe that the parties anticipated all the consequences of such a contract—that they would be liable to be taxed according to their "means and substance," and not according to the value of the land. The effect of it was hard, because persons residing in the district were liable to be taxed, not according to the value of the land, but by their means and substance, to Leith and also to Edinburgh. That was no doubt a case of extreme hardship, but still it was a contract, and a binding contract. Whether their Lordships would interpose and put an end to it, was for their Lordships to determine.

Lord *Campbell* trusted, after the declaration of his noble and learned Friend on the Woolsack, that the noble Duke opposite (the Duke of Buccleuch) would at once withdraw the clause.

The Earl of *Haddington*, speaking as a legislator, and not judicially, was of opinion that the clause ought to be retained; for the purpose of removing the hardship complained of.

Lord *Cottenham* felt extremely surprised that the Government should persist in transferring, by Act of Parliament, the property belonging to one man into the hands of another. He was quite certain that the clause had been framed by parties who knew nothing of the facts; and he could not imagine how the clause could be retained, after the opinion delivered by his noble and learned Friend the Lord Chancellor.

The Duke of *Wellington* said, it was rather unfortunate, that in the consideration of this question, the abstract legal question should have been mixed up a little with party views. It certainly did appear to him, when the question was first started, that the legal question was brought forward very much with the view of promoting the postponement of the consideration of the Bill to a distant period. His noble and learned Friend on the Woolsack had stated his entire concurrence in the legal opinion of the noble and learned Lords opposite; and, most undoubtedly, notwithstanding the law was intended to make a great alteration in the system of administering the Poor Law in Scotland, and most particularly on this very spot—in the very locality which was the subject of this clause, he felt that it was absolutely impossible for the House, upon a question of this description, to differ in opinion with such authorities as the two noble and learned Lords opposite, backed by the opinion of his noble and learned Friend on the Woolsack. Under these circumstances, he should recommend his noble Friend to withdraw the clause.

The Duke of *Buccleuch*, after what had fallen from his noble Friend, said he would not persist in pressing the clause.

Clause omitted.

Bill passed.

LUNATIC ASYLUMS AND PAUPER LUNATICS BILL.] The *Lord Chancellor* said, he would take the opportunity, before the House went into Committee on this Bill, which was a Bill to regulate the care and treatment of Lunatics, of briefly stating the nature and objects of the measure. The subject was one of deep interest, as their Lordships would concur with him in thinking, when he told them that at this moment there were nearly 21,000 lunatics in England and Wales, a great proportion of whom were paupers, who would in a certain degree come within the range of the Bill now under consideration. Before the year 1774, before the 14th Geo. III., there was no adequate protection for persons in that unhappy condition: not only was scarcely any adequate protection afforded to them by law, but they were often made the instruments of fraud in order to obtain possession of property, and for other unjustifiable abuses. The Statute 14th Geo. III. did, to a certain degree, afford a remedy; but its provisions were in many instances neglected, and were in many other instances found wholly inadequate to meet the evils they were intended to remedy. The law remained in this state until 1830, when a friend of his, with whom he was on terms of intimacy, in the other House of Parliament, Mr. Robert Gordon, directed his attention to the subject; and, after a good deal of consideration, embodied his views in a Bill, which afterwards passed into a law, in the 2nd and 3rd year of the late King, by which Commissioners were appointed with powers to license houses for the reception of lunatics, within a certain district round the metropolis, and to visit establishments of this nature all over the kingdom. Other provisions were also adopted for the purpose of remedying the evils to which he had referred. That Bill was a mere temporary measure, to endure, he believed, for three years, or to the end of the next Session of Parliament. That was a considerable improvement. Former experiments having failed, Parliament had no confi-

dence that any settlement of the matter could be effected by this Act. The measure, however, worked so satisfactorily during the period to which he had referred, that before it expired it was again renewed, with some alterations, by the unanimous consent of both Houses of Parliament. It continued in force for another period of three or nearly four years, and application was again made to Parliament to renew the provisions of the Act, with further alterations and additions which experience had suggested; so that the Act had been twice renewed. It was now on the point of expiring, after an experience of twelve years; and the satisfactory manner in which its provisions had worked, the wholesome discipline exercised through its means over this unhappy class of persons, in the opinion of the Government, rendered it advisable to embody its provisions in a permanent measure. A noble Lord (Lord Ashley), one of the Commissioners under the Act, who had attended most sedulously in the performance of his duty as an unpaid Commissioner, and who on all occasions had displayed the greatest activity, wherever motives of humanity called for his exertions, was the author of this Bill, and introduced it into the other House of Parliament. It would be necessary for him to state, now that the Act was intended to be made a permanent measure, what alterations, suggested by experience, it would be desirable to introduce into the Bill. During the last year, a Report of the Lunacy Commissioners had been laid on the Tables of both Houses of Parliament, pointing out the defects of the existing system, the manner in which they might be remedied, and suggesting various additions to the existing provisions. The first alteration, which was rendered necessary, indeed, by the measure becoming permanent, was the permanent appointment of the Commissioners. The present Commissioners were twenty in number, of whom eleven were paid, consisting of barristers and physicians, or medical practitioners; the remaing nine being gentlemen who performed their duties gratuitously from motives of benevolence. It was proposed by the present Bill to reduce the number of paid Commissioners to six, and of the unpaid Commissioners to five. The whole number of Commissioners, under the present Bill, would therefore be eleven. While the measure was temporary, it followed as a matter of course that the paid Commissioners were also temporary; they were renewed every year, and the same individuals were retained; the gentlemen originally appointed having shown themselves most efficient in the discharge of their duties. The consequence of having Commissioners appointed for such short periods was, that you could not abstract them entirely from the professions to which they belonged, and to which it would be impossible for them to return with advantage after an absence of four or five years. This, undoubtedly, led to considerable inconvenience; for that their professional occupations should occasionally clash with their attendance for the purposes of the Commission, was inevitable: it was, therefore, thought expedient, in making the Commission permanent, to secure the attention of its members exclusively to the duties required by it. They were not to be allowed to practise either in the professions of law or medicine, but they would be required to give their entire attention to the duties of their office as Commissioners. By deciding upon this, they were enabled to diminish the number of Com missioners in the proportion which he had just stated. Another change, which had been the subject of some comment, was the mode in which it was proposed to remunerate them for their services. Under the existing Act, they were paid by means of fees for their attendance at boards, and a certain allowance which they received for travelling expenses in visiting the various establishments of the country. The scale of remuneration was one guinea for every hour they attended at the board, and five guineas for every day's attendance in the country, besides, he believed, an additional guinea for sustenance during the journey. Instead of this, it was proposed to remunerate them by means of a fixed salary; for considerable inconvenience was found to result from the former mode; for if the whole eleven paid Commissioners happened to attend a board, and the proceedings lasted four or five hours, the expense of the board might amount to 50*l.*; and it sometimes happened that scrupulous members, fearing lest they might be suspected of consulting their own interests rather than the performance of their duty to the public, were often unwilling to hold boards. He was aware that the new mode was regarded by some as calculated to lead to increased expenditure; but that was a mistaken idea, for the result would be a saving, as he trusted he should be able to satisfy their Lordships in Committee. The salary pro

posed to be given to each paid Commissioner was 1,500*l.* a year, making a yearly expense of 9,000*l.* for the whole number; and it turned out on inquiry that the expenses of the Commission last year exceeded that sum; so that their Lordships would find a considerable diminution in expense effected from circumstances to which he would now refer. By the effect of this Bill, the duties of the Commissioners would be greatly increased and extended; so that if they were still paid by fees, they would necessarily receive much larger incomes than they obtained under the existing Act for the discharge of their additional duties. The Commissioners were named in the Bill; they were not named by him (the Lord Chancellor), but with his approbation. They were selected from the existing Commissioners, and were some of the most able and most efficient of that respectable and honourable body; and he felt assured that all those of their Lordships acquainted with the subject, and with the qualifications of the gentlemen so named, would be perfectly satisfied that the selection was a most judicious one. So much with regard to that part of the subject. He had stated that the duties of the Commissioners were to be extended. It was a very singular circumstance, that although the Commissioners had the power of visiting all private asylums, they had no power to visit hospitals; subscription hospitals, in fact, were out of the range of the existing Act; they were entirely out of the range of the regulations imposed by law. It was not necessary for a party to be received into a subscription hospital that he should have a certificate or an order; he was received as a matter of course, and these hospitals could not be visited by the Commissioners. A provision had, therefore, been introduced into the present Bill, empowering the Commissioners to visit establishments of this description; and he felt assured their Lordships would join with him in thinking that a due supervision and scrutiny by experienced and intelligent persons, was just as necessary in these establishments as in private asylums; would prove most advantageous for the public interest; and would conduce greatly to the comfort and happiness of those subject to such a calamity, and afford an additional hope of their ultimate restoration to reason. Another improvement in the Bill, to which he was anxious to direct their attention, was one of considerable importance. At present, paupers were confined, by order of the justices, on production of a medical certificate; but it was not necessary that the justice who sent him into confinement should see the pauper; and it frequently happened that paupers were sent into confinement without being seen by the justice signing the order. It was certainly necessary that the certificate should be recent; but everything was vague and indefinite on this point. The present Bill required that no pauper should be confined unless he should have been seen immediately before by the person signing the order, and that no medical certificate should be allowed except where the person signing it had seen the pauper within seven days of the period of his confinement. Their Lordships, he trusted, would see the great importance of establishing salutary guards in a system of this description. Another point which it was material to consider was, that these visitors would be empowered to examine and inspect any establishment where any pauper might be confined, or was supposed to be confined. They were not to interfere with Poor Law Guardians or with the Poor Law Commissioners; but if they saw anything requiring amendment, it would be their duty to report it to the Poor Law Commissioners, so that it might be rectified. Their Lordships would also find a power conferred in the Bill of visiting gaols. This was a material provision, introduced into the Bill for the purpose of extending the operation of the former Act. There was another most important point to which he wished to draw their attention. He did not know how it happened, but in the first Bill introduced, although every establishment of this description was liable to inspection, and was put under the jurisdiction of the Commissioners, when the Bill came up to their Lordships' House, a clause was introduced for the purpose of exempting what were called "single" houses—that is, houses where only one patient was confined. It was considered a matter of delicacy that such establishments should be screened. Now, it had always struck him that these, above all others, were the establishments which required to be examined and inspected with the greatest degree of vigilance, being more liable to be made the means of abuse, and of inflicting cruelty on patients. A power was certainly given to the Lord Chancellor, on sufficient information being adduced to warrant an inquiry, to direct an inspection; but when he informed their Lordships that,

although he had held the Great Seal for several years, he did not remember a single application of this kind ever having been made, he apprehended they would be of opinion that this remedy was not of a very effectual kind. One provision with respect to these houses was this: they were not obliged to make a return until a year after the patient had been placed there. Now, it was notorious that there were a great number of such houses in which single patients were confined, yet the number of returns did not exceed thirty or forty a year; and he understood that it was by no means unusual to transfer patients from one asylum to another, in order to evade the return. If it were left to him, he confessed he should be for placing these establishments on precisely the same footing as the rest. Such a course, however, did not seem palatable to their Lordships; and, as a different course had been pursued by the other House of Parliament, he was willing to recommend that course for their Lordships' adoption. Certificates would be required, and returns must be made to the Commissioners, when any person was lodged in an establishment of this kind, and a year would not be allowed to elapse, as formerly. The visiting of these establishments was not to be open to all the Commissioners; but the Chancellor was to have the power of selecting two, for the purpose of private inspection. These provisions appeared to him a great improvement on the former law. Their Lordships were aware, that in a matter of lunacy, the Lord Chancellor did not put himself in motion; he could only act on an application being made to him, upon which he ordered an inquiry, if the case seemed to warrant it; after which he took possession of the property, and made an order for its proper application. But a party might possess a great deal of property, and might be confined in a lunatic asylum—perhaps in an asylum for the reception of one patient merely, on the certificate of a medical man, without any commission whatever issuing, unless a petition were made to the Lord Chancellor for that purpose. What became of the property? It was wholly unprotected; and, in many instances, those who had obtained possession of it, after paying the allowance for the lunatic in an asylum for a year or two, dissipated or lost the whole of it. Many such cases had come under his own notice. Under this Bill, the Lord Chancellor was empowered to appoint a receiver of the property, and a guardian of the person of the lunatic; and then, if there should appear no prospect of ultimate recovery, the Lord Chancellor might order a commission of lunacy. These were the principal alterations proposed. There was another subject to which he would briefly call their attention. At present, persons who kept private asylums were in the habit of receiving as boarders, persons suffering from a nervous temperament, or a weak understanding. These individuals were without any guard or protection, and were allowed sometimes to execute instruments binding their property. Now, these cases it was highly necessary to subject to some control; the present Bill prohibited private asylums from taking any inmates of this description. There was another abuse to which he would also advert. Notwithstanding the provisions of the Bill, and the activity and vigilance of the Commissioners, it was found impossible to detect all the windings by which due inspection was sometimes defeated. The Commissioners were allowed to inspect every part of these asylums; but it was necessary that they should exercise their utmost vigilance to see, that they discovered every part. In more than one instance, series of apartments had been discovered entirely concealed from view, and to which the Commissioners had never been allowed admission. In one instance, the Commissioners, by mere accident, discovered three sleeping cells of such a description that they would not have been allowed for a moment, if they had been open to inspection; and would, in all probability, have caused the keeper of the house to lose his license. It was, therefore, proposed in the present Bill, not only to empower the Commissioners to examine every part of a building, but to make it the duty of the keeper or superintendent to show every part of the house, making him liable, for neglect of this duty, to animadversion and punishment. The noble Lord then moved that the House should go into Committee on the Bill.

The Earl of *Eldon*, in general, approved of the Bill; and he had no intention of doing more than moving that the Warneford Hospital, near Oxford, upon which a private individual had bestowed several thousand pounds, be exempted from its operation, he having been entrusted with a petition from the noblemen and gentlemen who superintended it, praying to that effect.

Lord *Monteagle* was of opinion that the

certainty of a degree of supervision and inspection, would be a guarantee for the introduction of all the improved practice of treatment into those institutions, and would induce persons more readily to endow them; and he was sorry that the Bill was not extended to Ireland.

House in Committee. Amendments made. Report thereof to be received on Thursday.

The House adjourned at 11 o'clock, until Thursday.

HOUSE OF COMMONS,

Tuesday, July 29, 1845.

MINUTES.] BILLS. *Public.*—2°. Fees Criminal Proceedings.

Reported.— Aprehension of Offenders; Municipal Districts, etc. (Ireland); Games and Wagers.

3°. Court of Chancery; Stock in Trade; Removal of Paupers; Small Debts (No. 3); Customs Laws Repeal; Customs Management; Customs Duties; Warehousing of Goods; British Vessels; Shipping and Navigation; Trade of British Possessions Abroad; Customs Bounties and Allowances; Isle of Man Trade; Smuggling Prevention; Customs Regulation.

Private.—1°. Leeds and Bradford Railway (Shipley to Colne) (Mistake Rectifying).

Reported.—Tottenham and Farringdon Street Extension Railway; London and York Railway.

PETITIONS PRESENTED. From John Lewis, against Grant to Maynooth College.—By Mr. Hawes, from Llanbyther, and several other places, for Establishment of County Courts.—By Lord Ashley, from Factory Workers in the employ of Messrs. Fielden, Brothers, of Halifax, and from several other Factories, in favour of the Ten Hours System in Factories.—By Viscount Sandon, from Congregation of Welsh Calvinistic Methodists, worshipping in Prussia Street, Liverpool, and from Dissenting Congregations of a great number of other places, for Alteration of Law relating to Promiscuous Intercourse.—By Lord Ashley, from Inhabitants of Warrington, for Diminishing the Number of Public Houses.—By Mr. T. Duncombe, from John Wilkes, of 64 Pershore Street, Birmingham, for Inquiry into the Treatment of his Son, whilst in the Queen's Hospital, Birmingham.—By Mr. Hutt, from Proprietors of Land in South Australia, for a General Assembly there.—By Mr. Hutt, from Stockholders and others, of New South Wales, for Repeal of certain Acts relating to that Colony.

House met at twelve o'clock.

SMALL DEBTS (No. 3) BILL.] On the Question, that the Small Debts Bill (No. 3) be read a third time,

Mr. *H. Berkeley* said, he would be sorry to cause any impediment to the passing of this Bill; inasmuch as he admitted that it contained a great deal of good. He thought that much evil would be inflicted on the people by the exercise of that power given to the Secretary of State by the 8th Clause. The Secretary of State was by this clause empowered to extend or diminish the jurisdiction of the courts, so as to equalize them all. He hoped that the right hon. Baronet would be induced to alter it.

Sir *J. Graham* could hold out no hope of the kind; for he considered the clause to be highly necessary to give effect to the principle of the Bill.

Bill read a third time and passed.

REGULATION OF CUSTOMS.] The Customs Regulation Bill was read a Third time.

Mr. *Wawn* trusted that vessels returning to a British port in ballast, after landing a cargo at another British port, would be exempted from the pilotage dues exacted from foreign vessels. The hon. Member moved to leave certain words to give effect to this distinction.

Captain *Pechell* seconded the Amendment.

Mr. *Corry* thought the Amendment was brought forward at too late a period of the Session; and he should distinctly oppose any alteration in the clause.

The House divided on the Question, that the words proposed to be left out stand part of the Bill:—Ayes 11; Noes 26: Majority 15.

List of the AYES.

Bouverie, hon. E. P.	Stewart, P. M.
Bowring, Dr.	Tufnell, H.
Brotherton, J.	Warburton, H.
Dennistoun, J.	Yorke, H. R.
Hawes, B.	TELLERS.
Henley, J. W.	Wawn, J. T.
Palmer, G.	Pechell, Capt.

List of the NOES.

Arkwright, G.	Northland, Visct.
Baring, rt. hn. W. B.	Peel, J.
Bruce, Lord E.	Polhill, F.
Buller, Sir J. Y.	Sandon, Visct.
Cripps, W.	Smith, rt. hn. T. B. C.
Denison, E. B.	Somerset, Lord G.
Divett, E.	Spooner, R.
Forester, hn. G. C. W.	Sutton, hon. H. M.
Fremantle, rt. hn. Sir T.	Trench, Sir F. W.
Fuller, A. E.	Trotter, J.
Goulburn, rt. hon. H.	Wellesley, Lord C.
Greene, T.	
Hamilton, G. A.	TELLERS.
Meynell, Capt.	Cardwell, E.
Nicholl, rt. hon. J.	Young, J.

Bill passed.

JOINT STOCK BANKS (SCOTLAND AND IRELAND).] On the Motion for going into Committee upon the Joint Stock Banks (Scotland and Ireland) Bill,

Mr. *Bouverie* objected to the measure, because it was to have a retrospective ef-

fect, and would counteract that Act of the Legislature which had been passed at an earlier period of the Session upon the subject, upon the faith of which engagements had been entered into which would be seriously affected by this Bill, if it was permitted to pass into a law. He should, therefore, move that it be committed this day three months.

The *Chancellor of the Exchequer* said, that he did not think the hon. Member was borne out in his statement by the facts of the case. He merely wished the House to go, *pro formâ*, into Committee now, for the purpose of postponing the arguments upon it until Friday next, when it would be recommitted, and when the extent of the objections to the measure could be satisfactorily known. There was to be a meeting of Scotch bankers to-morrow on the subject.

Mr. *P. M. Stewart* protested against the principle of pressing forward this Bill, because the Scotch bankers were said to be favourable to it. They would, of course, be glad that this measure should pass; because it would have the effect of increasing their monopoly, and preventing new banks being established. This was a question which ought to be decided by the mercantile interests of Scotland, who were directly opposed to it. He merely asked the right hon. Gentleman to delay this Bill until they could fairly take the opinion of the people of Scotland upon its merits.

The House went into Committee.

Clauses were agreed to.

The House resumed. Report to be received.

The House then adjourned till five o'clock.

STANDING ORDERS—RAILWAYS.] At the five o'clock sittings, the Report of the Standing Orders' Revision Committee was further considered.

Various Amendments were agreed to.

On Standing Order 39A, the Committee proposed that the amount of deposit on railway shares should be one-tenth, or 10 per cent., instead of 5 per cent.

Lord *G. Somerset* said, the Committee made this proposition on the expectation that speculation would be as rife this year as it was at present, and in consequence of the recent disclosures in Parliament, it was necessary to procure a more respectable body of shareholders. The Amendment of Standing Order 128 had reference to Ireland, and required that notices to landholders should be deposited with the clerks of the Unions.

On the Question that the Amendment be read a second time,

Sir *R. Ferguson* considered such a sudden call upon all railways would work most detrimentally to the schemes as public works, and prove a source of very considerable injustice to those persons who had already signed contracts upon the faith of their being required to deposit only 5*l.* per cent. He moved to omit the words "one-tenth" for the purpose of inserting "one-twentieth."

Sir *G. Clerk* hoped the House would agree to the Amendment suggested by the Committee in their Report. Considering the mania for speculation which had been exhibited in this country during the past year, and the mode in which the share lists had been proved to have been filled up, he considered that the Committee were perfectly justified in their recommendation, and that the House ought, upon public grounds, to adopt it. Were the Standing Orders so amended, the public would have some security for the completion of the projects by the necessarily increased respectability of the parties promoting them.

Mr. *Stuart Wortley* also suggested the extreme inconvenience that would be caused to shareholders in projected companies by the adoption of this rule.

Dr. *Bowring* observed, that the effect of the rule would be to give an unfair advantage in the case of those railroads which were already formed, and to operate as a great injustice on those which were only projected.

Mr. *E. B. Denison* said, that the effect of this order would be most unjust on those shareholders who had signed the Parliamentary deeds on the faith of the existing orders, and who had been led to believe that only a certain amount would be demanded of them until an Act of Parliament was obtained.

Mr. *Greene* observed, that the injustice of the proposed arrangement might be obviated by confining its operation to companies hereafter to be projected, and not applying it to those which were provisionally registered, or in which the deposits had been paid and the deeds signed.

Lord *G. Somerset* said, that some such regulation as this appeared absolutely necessary, in order to stop the mania for speculating in railway shares. He doubted very much whether the rule would be

found to operate so injuriously as was supposed, and whether the cases in which the increased deposit would be readily paid would not so far preponderate as to render it scarcely necessary to consider the others.

Sir *R. Ferguson* did not consider that the alteration would prove any guarantee that the share lists were not filled up by fictitious names in the very same manner as heretofore. However, as the feeling of the House seemed to be in favour of the proposition of the noble Lord, he would withdraw his Amendment.

Amendment withdrawn. Numerous alterations in the Standing Orders agreed to.

CASE OF COLONEL LAUTOUR.] Mr. *Milner Gibson* rose to move—

"That a Select Committee be appointed, to investigate the allegations contained in the Petition of Colonel Augustus Lautour, presented to this House June the 6th, 1844, and printed with the Votes June the 26th, 1844, and to report their opinion to the House."

The claim was founded upon these circumstances. Certain regulations were issued by the Colonial Office in December, 1828, relative to the granting of lands at the Swan River, and containing a stipulation for reclaiming them within a period of twenty-one years. In conformity with these regulations, Colonel Lautour expended a sum of 40,000*l.*, and sent out 200 labourers to the settlement; but a question had subsequently arisen whether these regulations were binding upon the Government. This being the ground of the doubt, subsequent regulations were issued in January, 1829, declaring that if lands were not reclaimed within ten years, they should revert absolutely to the Crown. In this state of affairs, the Crown having set up a claim to the possession of Colonel Lautour's lands at the expiration of ten years, and the claim being contested, the question was referred to the law officers of the Crown, and both the Attorney and Solicitor General gave their opinions that the regulations of 1828 were binding. Subsequently, however, the present Government referred the question to Sir Thomas Wilde, and he declared that the former opinion was delivered upon an imperfect statement and an erroneous view of the case, and stated that he had then no doubt that the regulations of 1828 were invalid, because they had not been officially promulgated. An argument, however, was raised that Colonel Lautour had put himself out of court by his own admission, in a letter addressed to Mr. Horace Twiss when Under Secretary for the Colonies, in which the petitioner assured that functionary that his capital had been invested on the faith of the original regulations, and expressed a hope that he should not be considered intrusive in "soliciting the indulgence" of twenty-one years instead of ten. Now, this might be said to be a courteous mode of insisting upon a right; and, as in all contracts between the Crown and its subjects, a generous and forbearing construction ought to be put upon the terms, he trusted that no advantage would be taken of this expression of Colonel Lautour's, even if it were an inadvertence. It appeared to him that this claim of Colonel Latour's was founded upon justice, and he hoped it would receive the indulgent consideration of the Government.

Mr. *G. W. Hope* said, it was admitted on the part of Colonel Lautour, that if he was only entitled under the regulations of 1829, he had no claim whatever. Now, the publication of the regulations was essential to their validity, and there was not the slightest evidence that those of December, 1828, ever were published. Sir Thomas Wilde, in his more recent opinion, declared most decisively that there was no claim under the regulations of 1828. [Mr. *Gibson:* Because they had not been published.] There were other reasons also. Colonel Lautour had not complied with the conditions. Sir Thomas Wilde stated, as the hon. Member had said, that his former opinion was founded upon an imperfect statement of the case. The fact was, that Colonel Lautour had got 100,000 acres to which he had no title, and then he came forward with that as a ground why he should get 140,000 more. The hon. Gentleman then read a letter from Colonel Lautour, written at the latter end of the year 1829, and received at the Colonial Office in the January following, and which, he contended, was in itself a sufficient answer to the claim.

Mr. *Milner Gibson* would not press the Motion to a division; but he trusted that he had said enough to induce Her Majesty's Government to take the subject into their consideration.

Motion withdrawn.

House adjourned at a quarter to seven o'clock.

HOUSE OF COMMONS,

Wednesday, July 30, 1845.

MINUTES.] BILLS. *Public.*—1°· Silk Weavers.
2°· Waste Lands (Australia).
Reported.—Turnpike Roads (Ireland); Real Property (No. 1); Naval Medical Supplemental Fund Society.
3°· and passed:—Apprehension of Offenders; Municipal Districts, etc. (Ireland); Games and Wagers.
Private.—2°· Severne's Estate: Lutwidge's (or Fletcher's) Estate; Leeds and Bradford Railway (Shipley to Colne) (Mistake Rectifying).
Reported.—Boileau's Divorce; Leeds and Bradford Railway (Shipley to Colne) (Mistake Rectifying); Cambridge and Bury St. Edmund's Railway.
3°· and passed:—Eastern Counties Railway (Cambridge and Huntingdon Line); Ellison's Estate.
PETITIONS PRESENTED. By Mr. Rutherfurd, from Lauder, in favour of Universities (Scotland) Bill.— By Sir W. Somerville, from Lord Mayor, Aldermen, snd Burgesses, of Dublin, for Alteration of Municipal Corporations (Ireland) Act.

The House met at twelve o'clock.

SCINDE.] Mr. *Hume* wished to ask the Chancellor of the Exchequer, whether any instructions had been sent out by Government, or the Board of Control, relative to the division of the plunder taken in Scinde; and if so, whether the right hon. Gentleman would object to the production of a copy of any minute of Council on the subject?

The *Chancellor of the Exchequer* said, that the subject was at present under the consideration of the Treasury and the Board of Control.

Mr. *Hume* wished to know whether any minute on the subject would be ready to be sent out by the India mail, which would leave on Monday?

The *Chancellor of the Exchequer* hardly thought that it would be ready by that time.

Subject at an end.

EDUCATION IN MALTA.] Mr. *C. Buller* said, he understood that the hon. Member the Under Secretary of the Colonies was prepared to give an answer to the question of which he had given notice respcting the state of education in Malta. He was anxious to be informed as to the measures taken by the Government to carry out the recommendations of the Commissioners with respect to the promotion of education in that Colony. The population of the Colony amounted to 118,000 persons, a number so very considerable, that it rendered the duty of promoting education amongst them more imperative on the Government. The revenue of the Colony amounted to 120,000*l.*, or a little more than 1*l.* per head pe annum; and, according to the general principles on which we acted with respect to those Colonies which had large populations, a sum proportionate to the population and the revenue ought to be expended in promoting education amongst the people. On looking at the Estimates, however, he found that only 4,000*l.* had been expended in promoting education amongst the native inhabitants of Malta. This sum, he thought, was not sufficient for that purpose. Great hopes had been excited in the Colony by the Report of the Commissioners, and it was understood that, as one result of that Report, the Government would adopt measures for the education of young men, so as to qualify them to undertake the duties of schoolmasters on their return to Malta. With that view two young men were sent from Malta to London for the purpose of education in one of the model schools here. Unfortunately one of these young men died here. The other remained until his education was completed; but on his return to Malta it was found that after the expenses incurred on his account, there was no employment for him as a teacher, and he was at length placed as a clerk in one of the Government departments. He should be glad to hear some explanation on this subject.

Mr. *G. W. Hope* said, that it was not his intention on that occasion to enter into the general question as to the state of education in Malta; but he could state from his own knowledge that there was a strong disposition on the part of the Government here and at Malta to consult the wishes of the inhabitants in every measure adopted for their improvement, and many things had been already done in the Colony with that view. But it was heardly necessary for him to say that in a population like that of Malta, many local prejudices existed calculated to impede any general measures for their improvement, particularly with respect to education. An attempt had been made to found an University there; but he was sorry to say that it had not had that success on which its promoters had calculated. This had arisen partly from the fact that it had been planned on too great a scale, and partly from the circumstance that the gentleman who had been selected as the president of the College, and those who were intended to act with him, did not work

well together. That gentleman was removed, and his place was supplied by a Roman Catholic from the College of Stonyhurst, whose high character and qualifications gave good ground for hoping that under his care education would be greatly promoted in the Colony. It was not correct, then, to say that the interests of the inhabitants as to education had been neglected — far from it. Fourteen primary schools had been already established, and the College had been re-organized on a different basis from its original foundation. The hon. and learned Member was not correct in saying that only a sum of 4,000*l.* had been voted for the promotion of education. The fact was, that the sum was much nearer to 5,000*l.*; and more would be provided (as we understood) if required; and it was expected that another report on the subject would soon be made by the Government of Malta.

Subject dropped.

On the Question that Mr. *Speaker* do leave the Chair to go into Committee of Supply,

ABUSES UNDER THE INCOME TAX.] Mr. *Fielden* said, before going into Committee of Supply, he wished to bring forward a Motion of which he had given notice, relative to the treatment he and others had received under the Income Tax Act. He did intend to state the case he was going into on the Report of the Vote of 15,000*l.* granted by the House to defray the expenses of sheriffs and of officers of the Court of Exchequer; but the Report was brought up at near two o'clock in the morning, and that he thought a sufficient apology for not availing himself of the opportunity. He wished to know something about that Court of Exchequer—whether persons against whom its process issued were allowed to be heard in their defence or not, for until lately he did not know that an Englishman could be drawn into a court, and his goods seized by its order, without having an opportunity of stating to the court in some way his reason why the seizure should not take place. He thought he was justified in putting this question to the First Lord of the Treasury; for it so happened that in the year 1844 three processes had been issued against himself and his brothers out of that Court of Exchequer for the recovery of Income Tax for profits on trade for the years 1839, 1840, and 1841, and for the years 1840, 1841, and 1842, when, so far from having realized a profit on the average of either the first three years or the second three years, they had incurred a heavy loss in both periods. They had submitted proofs of that to the Income Tax Commissioners at Rochdale, the truth of which was not denied; but they confirmed their assessments, and his goods were seized and sold by the sheriff—goods were taken and sold to an amount exceeding the demand, and no account had been rendered to him and his brothers. He and his brothers had, it would seem, therefore, been sued by the Income Tax officers in the Court of Exchequer, and a judgment had been obtained, and his goods taken, all without his having an opportunity of appearing before the Court to prove the injustice of the demand. He did not understand such law as that; and when the House was asked to vote a sum of money to sustain that Court or its officers, he thought it was a fitting opportunity to state to the House the complaint he had to make against the Court, its officers, and all those who were executing the extraordinary powers of the new and hateful law of taxation under which we were living. He (Mr. Fielden) knew that, in his own case, the conduct of those who were executing that act was most arbitrary and unjust; and, as he feared very cruel acts of injustice were perpetrated on others, perhaps less able to bear up against the grievance, and less able to make their wrongs known, he brought his case forward in order to call the attention of the House and the Ministers to the subject. He knew that injustice had been done in his own case, and he wished to have an opportunity of proving it somewhere before a Committee of that House. A notice of another process being issued against himself and brothers had been received by them, dated the 9th of July instant, and it ran thus:—

"*Office for Stamps and Taxes, Somerset House, London, July* 9.

"Gentlemen — Her Majesty's Commissioners of Stamps and Taxes having directed immediate process to be issued for your arrears of taxes returned into the Exchequer, I beg to inform you that, in order to save the expenses of a levy by the sheriff, the amount

must be paid to Mr. Peter Ormerod, of Todmorden, the collector, before the 19th instant. —I am, Gentlemen, your obedient servant,

" J. Timm,

" Solicitor for Stamps and Taxes.

" Arrears due 10th of October, 1844— Property Tax, 175*l.*

" Messrs. Fielden, Brothers."

To this communication they (Mr. Fielden and his brothers) replied as follows :—

" *Todmorden, July* 10.

" Sir—We have this day received yours of the 9th instant, which informs us that the Commissioners of Stamps and Taxes have directed immediate process to be issued for our arrears of taxes, due on the 10th of October last. As we had written a letter to Mr. Gibbs, of Bury, and posted it to-day, on the subject to which your letter refers, we herewith enclose you a copy thereof, and request you to lay the same before the Commissioners for their consideration, and acquaint us with their decision thereon.—We are, Sir, your obedient servants, Fielden, Brothers.

" J. Timm, Esq. Solicitor for Stamps and Taxes, Somerset House, London."

The following was the letter enclosed :—

" *Todmorden, July* 10.

" Sir—A schedule has been delivered to us by Mr. P. Ormerod, assessor for Todmorden and Walsden, requiring a return of your profits on trade for the year 1845, ending the 5th of April, 1846. It is impossible before the year has expired to make such a return. The returns we have made for each of the last three years have been altogether set aside by the Commissioners at Rochdale, who have assessed us in such amount for each year as they thought fit, giving us notice thereof, and of the days of appeal. We appealed against each assessment. On our appeal against the assessment for the first year, Mr. J. Fielden was, as required, first sworn, then examined, then told by the chairman that the Commissioners were invested with extraordinary powers of inquiry, and then had a precept given to him to be filled up and returned within seven days, requiring a debtor and creditor account of our gross and net profits for the year, which account was to be very full and particular. We returned the precept within the seven days, and stated the only way in which we could make out a debtor and creditor account in the manner the precept appeared to us to require. To this communication we have received no answer from the Commissioners, neither did they in the year of assessment make known to us the result of our appeal, although instructions how to act in our case were sent to them from the Office of Stamps and Taxes, Somerset House, which instructions were not obeyed. To prove the truth of our return for the second year, 1843, ending the 5th of April, 1844, Mr. John Fielden attended the Commissioners on the appeal day, and offered to produce our books, if required. They said they did not want to see them, and that they did not disbelieve his statement; but they confirmed their assessment, subject, however, to a revision, if, on the 5th day of April following, we could satisfy the Commissioners that our profits on the current year did not amount to the sum they had assessed us at. The chairman, on announcing the decision of the Board, said that 'they had been instructed by the officials present how to act.' In making our return for the third year, 1844, ending the 5th of April, 1845, we adopted a form sent to us by the receiving inspector, Mr. Walker, who, in a letter accompanying it, said, 'As promised on the appeal day, I beg to send you a skeleton account of income tax, and which, I suppose, will be satisfactory to the Commissioners if made out in this way.' Our account, however, made out in that way did not satisfy the Commissioners, but they reduced their assessment from 24,000*l.* to 12,000*l.* Our returns as to profit on our trade have all been 'nothing,' taking the average of the three years respectively, in conformity with rule 1, section 100, of the Income Tax Act. The first three years embraced 1839, 1840, and 1841; the second three years embraced 1840, 1841, and 1842; the third three years embraced 1841, 1842, and 1843; all which years, with the exception of the last, were notoriously years of bad trade and falling prices, causing heavy losses to the holders of large stocks of manufactured cotton fabrics, which was our case. Said four years, 1839, to 1842, was a period, too, in which bad debts to an enormous amount were made by ourselves and others, all which facts we stated again and again to the Commissioners on appeal; but neither our oath, the offer of our books, written debtor and creditor accounts, such as we gave in (the last of which was in the form suggested at the Board), nor any statements we have made, or examinations before the Commissioners, have secured us what is right and fair. Instead of which, our goods have been seized and sold at auction three times to satisfy unjust demands. Goods of more value than the demand have been seized and sold on each occasion, and no return has been made to us of either the proceeds of sales or of any surplus. The duty on the third year's assessment has been demanded of us; but we shall not pay it, because our business, taking the average of the three years embraced in our return, was a losing one, no interest whatever being charged during that period for the capital employed in it. Any return, therefore, by us for the present year, will be made to the Office of Stamps and Taxes, Somerset-

house. Please own receipt of this by return of post, and oblige, Sir, your obedient servants,

"FIELDEN, BROTHERS.

"G. J. Gibbs, Esq., Surveyor of Taxes, Bury."

To the note addressed to the Commissioners on the 10th of July, the hon. Member said, that he received the following answer:—

"*Stamps and Taxes, London, July* 15.

"Gentlemen—The Board of Stamps and Taxes have had before them your letter of the 10th inst., addressed to their solicitor, upon the subject of his application for payment of the arrear of Income Tax due from you to the 10th of October last, together with the copy transmitted by you of your communication to the surveyor, Mr. Gibbs, stating the grounds on which you object to the assessment; and in reply, I am directed to inform you, that the General Commissioners of the district having on appeal decided that you were chargeable with the duty on 12,000*l.*, the Board have no power to interfere with their decision.—I am, Gentlemen, your obedient servant,

"CHARLES PRESSLY.

"Messrs. Fielden, Brothers."

A true return, and a signed declaration that it was true, were required of him. If he had returned that he had had a profit, it would have been false; and many, he believed, had done so, hoping thereby to escape the more exorbitant assesments of the Commissioners. He had, with his brothers, resolved to make a true return, and they had done so. Now, what he wanted to know was, what evidence should satisfy the Judges or Commissioners in that case? When oaths, and books, and written debtor and creditor accounts of profit and loss were rejected, what was left to be done? What more did they want? And was this to go on? Were his goods to be again seized and sold by the sheriff under this tyrannical law? He had taken the utmost pains to convince the Commissioners his return was correct—had told them that the amounts he showed them were taken from a document signed by himself and his brothers at their annual stock taking, not prepared with any view to meet the Commissioners' eyes, but to determine each partner's share and interest in their joint property at the time, and what the representatives of any one or more, dying before the next stock taking, would be entitled to receive out of the concern. He had taken his oath to the correctness of the return of no profit in the first year, when their assessment was 12,000*l.*; he had offered to show them his books in the second year, to prove that he had no profit, when their assessment was again 12,000*l.*; and, as if to show their daring, and how little they were guided by fact, or calculation, or evidence, they had last year assessed him at just double the amount, that was, 24,000*l.*, and before they had decided the appeal against that assessment they demanded the duty upon it of 700*l.* On the hearing of that appeal the Commissioners present were — John Elliott, Chairman; James Butterworth, Charles Butterworth, Captain Butterworth, also Abraham Briarly, who refused to act. The allowance of the assessment of 24,000*l.*, and the warrant to distrain for the duty on it, were signed by the two former of those gentlemen, Mr. John Elliott and Mr. James Butterworth, on the 12th of December, 1844, and the appeal against the assessment was decided on the 29th of March, 1845. So that the House would see that, pending the appeal, the Commissioners issued their warrant to distrain, and two of the very men who had issued that warrant in December agreed with their brother Commissioners in March following, to reduce the assessment from 24,000*l.* to the former sum of 12,000*l.* Was not this a disgraceful mode of imposing taxes? Was it anything short of a random confiscation? He firmly believed that these assessments were founded upon no belief in the Commissioners' minds that he had made such profits in trade as rendered him assessable, but that they believed he and his brothers were able to pay; and, therefore, prompted by the Government local officials, they made these round assessments. The flourishing revenue so much boasted of was made up in part of the fruits of such barefaced robbery as this of which he had been the victim. He remembered that this tax was wrung from the Government at the end of the war by the public outcry against it. It was then designated the "highwayman's tax;" he believed it had lost none of its atrocious character; and he hoped the next election would teach English Ministers that they must carry on their Government by more moral means than a highwayman's tax. When he mentioned this matter to the House in February last year, the right hon. Gentleman (the Chancellor of the Exchequer) said,

that the Government had no more control over the matter than any individual Member of that House. In Mr. Pressly's letter, he was now told, that the Board of Stamps and Taxes had no control in the matter. His appeal, then, was to the House; and if the House answered him that it not only had no control, but no will to inquire, let it be known to the public at once, that the maxim of English law, that there is "no wrong without a remedy," is utterly false; and that, under our new law of taxation, the Income Tax Commissioners and the Court of Exchequer together, can assess and rob to any extent and with perfect impunity. He was not in the House when the Income Tax Act was renewed last March, being then confined at home by illness; but he observed, that in the debates of the House, the case of himself and his brothers had been mentioned by the hon. Member for Lambeth and the hon. Member for Finsbury; on which occasion the right hon. Baronet (Sir R. Peel) was reported to have said, "that he trusted in the case of the hon. Member for Oldham, the Treasury would be able to afford redress." And the right hon. Gentleman the Chancellor of the Exchequer was reported to have said, on the same occasion, "that he should be happy to point out to him (Mr. Fielden) the mode in which he should proceed to obtain redress." He had, on that intimation, called on the right hon. Gentleman not long since; but the right hon. Gentleman had only advised him to make his return to the officer of Stamps and Taxes, and request that he might be assessed by the Special Commissioners, instead of going before the Commissioners at Rochdale; which, even if he should be fairly dealt with for the future, would be no redress for the past. His oath had been disregarded; and, as he conscientiously regarded the solemnity of an oath, and considered a man unfit to hold a seat in that House who had taken a false oath, he wished for an opportunity of showing that House that he had been grossly wronged by these Commissioners in that respect as well as others. This was a public question. He brought it forward as a public question, believing that in Lancashire the Income Tax had been exacted most unjustly and oppressively from thousands, and, in his own case, he knew it had. If he received no assurance that such wrong should end, he should consider it his duty to bring the matter before the House in one shape or another, and time after time, till he obtained some security for himself and the public. Mr. Fielden concluded by moving for the following Returns:—

"A Return of the total amount of assessments to the Income Tax under schedule D, of the 5th and 6th of Victoria, c. 35, for the township of Todmorden and Walsden, in the county of Lancaster, and in the division of Middleton, for the year commencing April 5, 1842, and ending April 5, 1843, and for the year commencing April 5, 1843, and ending April 5, 1844, and for the year commencing April 5, 1844, and ending April 5, 1845, distinguishing the amount assessed for each of the said several years; and also a return of the total amount received or demanded of those assessed in the said township for each of the said years respectively. Also a return of any correspondence that has taken place between the Board of Stamps and Taxes and Fielden, Brothers, of Todmorden, relative to the assessments and demands made on them under schedule D of the Act 5th and 6th Victoria, chap. 35; also a return of any correspondence that has taken place between Mr. George J. Gibbs, of the Tax Office at Bury, in the county of Lancaster, a surveyor of taxes under the Act 5th and 6th Victoria, chap. 35, and Messrs. Fielden, Brothers, and Mr. John Fielden, of Todmorden, in the said county; also a return of any correspondence between Mr. J. Walker, of Liverpool, receiving inspector under the Act 5th and 6th Victoria, chap. 35, and Fielden, Brothers, of Todmorden, in the county of Lancaster, together with any proposed skeleton form of account for Income Tax supplied by the said J. Walker to Messrs. Fielden; and a return of any correspondence that has taken place between the Commissioners acting within and for the division of Middleton, sitting at Rochdale, in the county of Lancaster, under the Act 5th and 6th Victoria, chap. 35, and the Commissioners of the Board of Stamps and Taxes, relative to the case of Messrs. Fielden, Brothers, of Todmorden, in the said county, under the said Act."

Mr. *Williams* seconded the Motion, and hoped the Government would not object to the return. He was glad his hon. Friend had brought this case of injustice and oppression before the country; fortunately for him, he was in circumstances to enable him to do so; but he (Mr. Williams) ventured to say there were thousands who had precisely the same complaint to urge, but whose circumstances and credit did not enable them to make public this system, not of oppression only, but of absolute fraud under the law. One of his own constitu-

ents had made a statement to him of a similar kind. He and his partners carried on two branches of business, on one of which the profits were *nil:* on the other the profit was 1,000*l.*; on the whole business, the profit being neutralized by the loss, there could not be said to be any profit at all, and they returned *nil;* but notwithstanding they were surcharged in 1,000*l.* a year; nor were there any means of obtaining redress. Such a state of things ought not to be allowed to exist. It was not honest; the Act itself did not warrant it, but there was no remedy; the parties who levied the tax were far from the seat of power, and assumed that infallibility always claimed by public officers; and if an appeal was made to a higher power, the answer always was that whatever the subordinate officers did must be right; that they were infallible, and no inquiry ensued. The hon. Member for Oldham ought to have justice done him; that a Gentleman so respected should have his oath doubted for the purpose of taking money out of his pocket, was not to be endured.

The *Chancellor of the Exchequer* said, that the hon. Member for Oldham was quite aware, having some time ago stated his intention of moving for these Papers, that with respect to a majority of them, there was no objection to producing them; but with respect to the correspondence with the Commissioners on the subject, those documents were not of an official character, and it was not in his power to consent to their production. He wished to offer a few observations on the statement which the hon. Member had made to the House; the hon. Gentleman and the hon. Member for Coventry had both stated that there were thousands of similar cases of oppression under this Act, but that individuals were afraid to make complaints on the subject. He must be permitted to express serious doubts on this point; he did not find there was this great unwillingness to complain on the part of persons who felt aggrieved by any tax imposed by Parliament; and he could truly say with respect to such complaints from parties with regard to the Income Tax, the Government was entirely ignorant of them. A still stronger proof that these complaints were not so general, and that there was not this general feeling of hostility to the Income Tax, was found in this fact—the House was called on to renew the Act; and if there had been this universal sense of grievance on the subject, did the hon. Gentleman suppose that those who represented populous manufacturing districts would not have come forward and stated these complaints, or that there would have been that general feeling throughout the country in favour of the renewal of the tax which was displayed at the time? He thought the hon. Gentleman must feel in his own mind that no such universal sense of oppression could have existed, or it could not have produced so little effect on the country. So much with respect to the general question. He now came to the complaint of the hon. Member himself; and he assured the hon. Member nothing could give him more pain than that he should have been subjected to any inconvenience or injury; as far as it was in his power to be of any use to the hon. Gentleman by tendering him any advice as to the course he should adopt, he should have been happy to have given him any counsel by which he might have avoided the difficulty he was placed in. But the hon. Gentleman must be sensible that when the law imposed a tax on the country, and parties to obtain redress of a complaint did not adopt the course the law prescribed, they were themselves responsible for the inconvenience they experienced. The mode in which the Property Tax was directed to be levied was this—Commissioners were appointed, who made assessments according to their view of what parties ought to pay. On this being known, those parties were called on to pay, and if they thought themselves aggrieved, they had two modes of appeal — they might either appeal to the general commissioners of the district, whose decision upon hearing the appeal was final; or, if he preferred another course, he might appeal to the Special Commissioners appointed by the Government, whose decision on the appeal was equally final. Persons might go before the Commissioners of their own district, to whom the power of hearing appeals was given; or to the officers appointed by the Government. Having made that appeal, a party must, of course, abide by the decision, as in every other case of appeal, whether in judicial or other matters. The hon. Gentleman complained of the final decision of this court of appeal, under which a levy was made upon him, which he stated to be monstrous. Why, in any case, upon the

decision of the proper tribunal being pronounced, the Court of Exchequer was bound to issue its process for the levy; no imputation could be made on the justice of that Court; it had but complied with the provision of the law, which directed the levy to be issued when the money was pronounced to be due to the Crown. He was quite ready to admit the hardship on the party of the circumstances attending a levy, of his goods being seized and sold by public auction. A statement of such a proceeding was very likely to excite popular feeling; but it should be remembered that the money had been declared due to the Crown, and if the Crown had not the power of enforcing payment of its claims by ordinary process of law, the House might as well save itself the trouble of imposing taxes at all. The taxation could never be levied if the Crown was not able to resort to the law. The hon. Gentleman seemed to think that by the course which had been pursued it was intended to cast a reflection on him, because the doubt of his return on the part of the Commissioners necessarily implied that the statement of the hon. Member was deficient in truth. He did not think such a conclusion was just or fair. The question of what were the profits of trade was one always liable to doubt, and admitting of dispute. The Act laid down certain rules by which the amount of profits should be assessed; a person without any imputation on his truth or honour, might make a return under a false idea of what was correct, which might be disputed by the Commissioners. He was the last man in the world to cast an imputation on the veracity and honour of the hon. Gentleman, and he had no doubt the Commissioners felt the same. But as persons placed in a public situation, and bound by their duty to ascertain that the return made was made according to law, if they had erred, if the General Commissioners had erred, if the Special Commissioners had erred, it was a matter of extreme regret; but the Court of Appeal to which Parliament had trusted the authority, and to which the hon. Gentleman had chosen to apply, was not empowered to give any relief. He (the Chancellor of the Exchequer) had no means of communicating with those Commissioners; he had received no complaints from other parties; and as far as he was able to judge from extrinsic inquiries, in order to ascertain the mode of proceeding, he was apprehensive the hon. Member for Oldham had not complied with the necessary conditions. The Commissioners did not receive from him the answers and explanations required; they wanted further information, and the hon. Gentleman distinctly refused to give the information they wanted, but offered information of a totally different character. He was very much afraid that owing to that circumstance more than any other, if injustice had been done the hon. Gentleman, he must attribute it to himself. The hon. Gentleman had said, that on a former occasion he (the Chancellor of the Exchequer) had stated there was a mode by which redress might be obtained, and that he would apply to him to say what course he ought to adopt. To this he would reply, if the hon. Gentleman thought the general Commissioners prejudiced against him, he should have applied to the Special Commissioners, who were independent of the district, and could have no local bias whatever as to the merits of this particular case. He deeply regretted that the advice tendered to the hon. Gentleman two years ago was not adopted till this present year. As far as he had been able to obtain information, the main point of difference between the hon. Gentleman and the Commissioners arose upon the mode in which stock ought to be valued. The question was, whether cotton that had been purchased some years before at a higher price than it then bore in the market, and manufactured into articles, was to be taken at the loss caused by the difference between the price of that cotton when it was purchased and that which it bore in the market at the time the assessment was made. He was speaking more upon common report than any official information; but the case went before the proper tribunal; the hon. Gentleman declined to give the information wished for, and it came to a decision adverse to him. The question was this—supposing cotton to be purchased in 1838 at 7*d.* per lb. and made into goods in 1842, whether the difference between the prices at those two periods was to be taken as loss? From the jealousy on the part of the House of an interference on the part of the Government in private affairs, it made the Commissioners the Court of Appeal. The case in question was brought before that court. The persons who had a duty imposed on them for the public benefit called for further information,

which was necessary to enable them to make up their minds on the subject; the hon. Gentleman refused to give it, and he did not know how those gentlemen were to act otherwise than by deciding against the party refusing to give that information. If anything had occurred painful to the hon. Gentleman's feelings, or anything which he thought not consistent with perfect equity, he, for one, could not see that any blame attached to the parties. The difficulty would not have arisen if he had shown a little less of that British virtue which led him to resist with more than ordinary firmness what he considered an improper intrusion on his private affairs. He understood the hon. Gentleman had at last appealed to the Special Commissioners, who were quite free from prejudice; and even should their decision be unfavourable to him, he hoped the hon. Gentleman would not be disposed to resist it.

Mr. *Fielden*, in explanation, said, if the right hon. Gentleman had spoken from information as to what had taken place, he must tell himit w as incorrect. He had answered any question put to him, he had given all the information he could, he had offered his books for examination; but the first intimation he had of the decision was the levy made on his goods. If the right hon. Gentleman would allow him to meet the Commissioners face to face, or give him a Committee, if he did not make out a case for inquiry satisfactory to every reasonable man, he would give up the question.

Mr. *Hawes* hoped the discouragement the Chancellor of the Exchequer had attempted to cast on the "British virtue" of offering a decided opposition to an arbitrary measure, would not prevent any person who felt injured by the Income Tax from stating his case, and offering it all the opposition in his power. He had always opposed the tax; he thought it a dangerous basis for a large amount of taxation—one founded on a most unjust principle, which could not be carried out into practice without causing complaints. The right hon. Gentleman said, there was not much public opposition to it when imposed; but he left out of consideration the fact that when it was proposed, it was accompanied by certain other offers. He knew the value of the admission; those offers were accepted by certain great interests; they took the Income Tax and accepted the repeal of duties on the importation of certain raw materials. A bargain was struck; large and important interests accepted the Income Tax; he did not; many others did not. The only point the right hon. Gentleman had made in reply to the hon. Member for Oldham was, that he ought to have appealed to the Special Commissioners; the hon. Member had so appealed, and he did not believe they would do anything but confirm the decision come to by the other Commissioners. They had ample power to act on any appeal brought before them; but this House could not call them to account. If it could, the facts the inquiry would elicit, would oblige them to give up the tax. The course the Commissioners had taken had inflicted great hardship on the hon. Gentleman, and at last it seemed that they altered the assessment from 24,000*l.* to 12,000*l.* without stating any reason for such a monstrous reduction. The hon. Gentleman refused to return any profit, and offered to produce the balance-sheet of the concern, by which the profits were divided between his partners and himself. They assessed him at 24,000*l.* a year, and then, at their own will and pleasure, reduced it to 12,000*l.* That he thought a case for inquiry. What ground had they for giving up 12,000*l.* a year? If the assessment of 24,000*l.* was right, they were bound to adhere to it. He admitted the right hon. Gentleman was always ready to give advice, but he could do nothing to give any relief. They were bound by the Act of Parliament, giving the most arbitrary powers of interfering with the profits of trade. The right hon. Gentleman said, the difference arose as to the mode in which the profits of trade should be computed. That difference would exist in every concern in the kingdom. In all cases it was difficult to say what should be carried to the account as profit. All the hon. Member said, was, that his loss should be deducted from the profit, and if they did not allow this, the Act was more iniquitous than he thought it was. They were bound to take the Act itself into consideration; it gave private individuals an arbitrary power, and it required many Amendments. The Boards of Commissioners ought to be constituted in a different manner; it never could be endured that individuals should sit in judgment on the pecuniary affairs of their neighbours. Let the power be

given to some known and responsible authority. His hon. Friend did not care whether his affairs were made public or not; but others had not the same credit. His hon. Friend offered his books for inspection: why did not the Commissioners examine them? They refused to ascertain from his books what his profits were; they refused to take the balance-sheet which settled the amount of profits between the parties; it was an unquestionable document, and they were bound to receive it. If his hon. Friend was wrong, the public had a right to the tax on 12,000*l.* more. The hon. gentleman's case had been thought important enough to be introduced by a recent writer on political economy into his work, as an illustration of his argument on this system of taxation. It was a case of deep, individual, and public interest, and it had received no answer, except a general sermon on the necessity of obeying the law, and a sneer at what the right hon. Gentleman called British virtue.

The *Chancellor of the Exchequer* said, he had not entered into the details of what passed before the Commissioners. He (the Chancellor of the Exchequer) had no more power to call for particular returns from the Commissioners than the hon. Gentleman himself.

Mr. *Hawes* said, the objection to giving publicity to private affairs did not apply in cases where the party himself stated that he did not care about it.

Mr. *Bernal* had understood the right hon. Gentleman the Chancellor of the Exchequer on a former occasion to state that some mode of relief would be afforded the hon. Member. He did not complain of any breach of promise; but that was the impression left on his mind by that discussion. The hon. Member for Montrose (Mr. Hume) at the time the tax was proposed had foreseen this difficulty, and proposed a clause giving some department of the Government a jurisdiction in such cases. At present there were two courts of appeal—the local Board and the Board at Somerset House. His hon. Friend had appealed to the local Board; he might have been to blame in doing that, when it was composed of persons among whom he had taken a very decided part in politics. If they wished to diminish the unpopularity of the tax, they must take some means of meeting such cases. The measure was hurried through the House; the clause proposed by his hon. Friend (Mr. Hume) was rejected, all Amendments were disregarded, and now it was highly necessary the Act should be reconsidered. They would have an opportunity of doing so during the recess, and he hoped the Government would avail themselves of it. They should appoint some permanent Board with power to do something to mitigate such evils as those stated in the case of which the hon. Member for Oldham had so properly and justly complained.

Mr. *Hume* was glad the case had been brought forward; he was an advocate of direct taxation, but he wished it to be levied with as little trouble to the subject as possible. When the Bill was before the House he pointed out the anomaly of giving the power to levy a taxation of 4,000,000*l.* or 5,000,000*l.* to persons who were not responsible either to the House of Commons or to the Government, and whom they would have doing as they pleased. The right hon. Gentleman the Chancellor of the Exchequer said the Government had no power; there was an evil done, and there was no remedy. He implored the right hon. Baronet (Sir R. Peel) to correct the evil; in another Session there would be time to do it. He had formerly objected to the manner in which the Land Tax Commissioners were appointed; they were recommended by the county Members, and were appointed from political reasons. The constitution of the Income Tax Commissioners was also subject to great inconvenience; they elected the superior Commissioners; he asked the Government to take away this power, and make them responsible to the House. Under the representation that the Act must be passed as a whole, and that it was only for a short time, the Government rejected every Amendment, and did everything in their power to make the tax not only unpopular, but unjust. When the grossest cases of oppression occurred in the Tower Hamlets ward, and when they were complained of, the Chancellor of the Exchequer said he could not help it. But it was the Government who made the law; the Government were the parties to blame for the evils, and they ought to correct them. In the case of the hon. Member for Oldham, the Commissioners appeared to have acted with the extreme of rigour, and in a manner which could only be explained by the

existence of some political grudge against him. But he hoped this discussion would be the means of effecting some modification.

Sir *R. Peel* said, when the Income Tax was under consideration in 1842, of course the question arose who should be the parties entrusted with certain powers under the Act. The question appeared to resolve itself into one or other of two alternatives—either that the Government should have these powers, or that parties themselves interested in the just administration of the law should exercise them. As there was great jealousy of the Executive Government having a right to inquire into the affairs of individuals, which would give it a great influence, Parliament determined to act on the presumption that this power might be abused, and therefore thought it better to adhere to the principle of the former law, and gave the power of inspecting private affairs to private individuals. On the whole, Parliament affirmed that principle. Under what circumstances did the Government select the Land Tax Commissioners for the purpose of the Income Tax Act? Why, two years before, the Act appointing those Commissioners had been by the late Government renewed and altered. The present Government were asked to make a new selection of Commissioners for the purposes of the Income Tax Act, but they thought it much better to adhere to the Act as it stood, and so preclude the possibility of any suspicion as to their motives. He was ready to admit that it was objectionable that the private affairs of individuals should be made known to others who might be their rivals in trade; but in order to meet that objection, the Special Commissioners had been appointed, before whom persons could go who did not wish to go before the regular Commissioners. If the hon. Member had really reason to believe that the Commissioners were actuated by personal motives, he could have gone before the Special Commissioners, and so have avoided altogether the interference of his neighbours or of his political opponents. It would cause him very great regret to find that the hon. Member for Oldham had any just cause to complain of the operation of the Act; but at the same time he must observe that, considering the large amount that had been collected under the tax, the proportion of complaints had been much less than could have been expected.

Mr. *Brotherton* complained of the manner in which the Land Tax Commissioners were nominated. As it was, if a borough Member wished to nominate one, he could not do so without the consent of the county Member, and with him he had no chance if he was of different politics. With respect to the case before the House, the reason why the firm returned "no profits," was, that their humanity would not allow them to stop their works, and the consequence was that there was a vast accumulation of stock. They had had no less than 600,000 pieces of cloth on hand which were unsaleable.

Captain *Pechell* hoped the Government would take into consideration the cases of those persons having incomes under 150*l*, a year, who had been surcharged, but who had never had the excess returned to them.

Mr. *Fielden* said, he had no wish to divide the House, but he hoped that the right hon. Gentleman would grant him the correspondence between the Commissioners of the Court of Appeal and the Board of Stamps and Taxes.

The *Chancellor of the Exchequer* said, that the correspondence was extra-official, and he could not produce it.

The other Returns were then ordered.

ACCIDENTS ON RAILWAYS.] On the Question being again put,

Mr. *Bernal* wished to call the attention of the Government to a subject of considerable importance. They were aware through the newspapers that accidents had occurred lately on two or three of the leading railroads. Of course, there were casualties of the kind which were altogether beyond human control; but it did appear, that in the case of the accident on the South Eastern Railway there had been a want of care. A respectable surgeon, who was a passenger, and who attended on some of the unfortunate sufferers, expressly impugned the care and discretion of those managing the railway, in putting an engine behind the train. There had also been an accident to the mail train of the Birmingham Railway, where there had not been a sacrifice of human life, but certainly a great deal of injury to the limbs of the passengers. He was not able to suggest a mode by which these things could be checked, but at the same he thought that some good

might be done by calling the attention of the right hon. Baronet to the subject. The punishment of an engine-driver, or of a light-bearer, did not appear to him to be enough. The attention of those gentlemen who obtained profit from the railways should also be drawn to the subject. He had read a letter from a surgeon in one of the papers, which contained a statement perfectly horrifying. It was there stated, that when the South Eastern train arrived at the terminus, it was detained for some minutes by the check takers to take the tickets, although there were persons in the train who were suffering from the most grievous contusions. These accidents were now beginning to happen to all; and unless there was some interference, he feared that they would have to record some much more fearful contingencies.

Sir *G. Clerk* said, whenever such accidents occurred, it was the practice of the Board of Trade to despatch an engineer officer to the spot to ascertain the cause of them. The companies were also bound to report them within a certain time after they occurred. He expected that in the course of the day the Board of Trade would receive the report of the engineer sent to inquire into the accident on the South Eastern line. He must at the same time observe, that although the Board of Trade generally found that any suggestions they made were attended to by the Companies, yet they had no power whatever to enforce compliance. It might, certainly, be hereafter necessary to impose some more efficient check on the railway companies for the prevention of accidents.

Mr. *Clive* hoped some arrangement of the kind would be made. He was himself suffering severely from the effects of the great carelessness of those who conducted the railway on the occasion of one of the accidents that had been mentioned.

Mr. *P. Howard* said, that the rarity of accidents on the Brussels and Antwerp Railway proved how useful was an efficient system of superintendence.

Sir *R. Peel:* Sir, I am not sorry that the hon. Member has called the attention of the House to this subject, because as the law at present stands, there are no means of reaching those by whom these accidents are caused; and if the moral responsibility which now rests on those who have the management of railways is not sufficient, it will be necessary for Parliament to insist on some different system. It is continually urged that the accidents by railways bear no proportion whatever to those which used to occur by stage coach. That is no answer—it is a mere sophistication. We have a right to be insured that those who derive the profits from these railways, shall take every possible precaution on behalf of the public. Every precaution that money can command ought to be taken; and there can be nothing worse than that the public mind should be disturbed by the constant fear of these accidents. It is unfortunate for the railways themselves that the growing public confidence in them should be destroyed. It does seem, that in these recent cases the accidents which have occurred, might have been prevented by due precaution. If by the employment of ill-qualified subordinate officers, these accidents are rendered more likely to happen, or more frequent, then it will be the duty of Parliament to step in and demand a reduction of the profits of those who are concerned in the railway, in order that due precautions may be taken to insure the public safety.

Viscount *Palmerston* said: I wish to say a few words in reference to the subject of accidents on railways. As a matter of public duty, I think it right to say that this case of carelessness, if it be one, on the Dover Railway, is not the first instance of bad management on that particular line. I happened to come from Dover to London in November last; and, as I was in my own carriage at the end of the train, with my back turned to the engine, I had a complete view of what passed. During the greater part of the journey, and especially in passing through the tunnels, the train was not only drawn by an engine in front, but propelled by one at the back; and if any stoppage had occurred, the back engine must inevitably have gone through the train. The passengers, when they got out at the station, were totally unaware of this hindermost engine having been used. On inquiry I was informed that, from a desire of economy, a set of engines were employed by the Company which were not strong enough singly to do the work, and that two engines therefore were used, where one would otherwise have been sufficient.

Subject at an end.

BUSINESS OF THE HOUSE.] Mr. *Hume* wished to make a suggestion to the right hon. Baronet as to the arrangement of the business of the House for the next Session of Parliament. The Government had this year taken, of late, both Tuesday and

Thursday for themselves; and the consequence was, that there were now so many Motions to be made that they could not get on with Supply. The great object of these arrangements should be, to ascertain with as much certainly as possible when particular business would come on; but the effect of the present system was to create great uncertainty, and yet not to advance the public business. What he would suggest was, that next Session, Tuesdays and Thursdays should be appropriated to Motions, and Monday and Friday to Supply and the Government business. He also proposed that on Wednesdays the House should always meet at twelve o'clock, and proceed with Orders of the Day, sitting till six o'clock, after which Members would be set at liberty for the evening. He proposed also that no Committees on Private Bills should sit on Wednesdays.

Sir *R. Peel* reminded the House that this Session had been a peculiar one, owing to the great press of private business. Government had introduced their financial measures at the earliest period; as well as all others, the Irish measures particularly, which were likely to meet with opposition. Therefore they had done their utmost to expedite the public business. On one measure alone—the Maynooth Bill—there had been eleven nights' debate before the second reading. With respect to next Session, he would be ready to support the hon. Member's proposition to meet early on Wednesday, and sit till six or half-past six o'clock. That would be much better than sitting for five continuous nights, the fatigue of which was too much for any strength. It was not possible for those who attended that House for fourteen hours a day duly to discharge their duty to the public, it was utterly impossible for those who had also official responsibilities. With respect to the Government having taken Thursday for their business, he doubted much whether they had gained anything by it; but in doing so, they had only followed the precedent of several Sessions both under the present and the late Government. That arrangement would not have been made if it had been seriously objected to, nor would it ever be pressed against the wish of the House. He hoped that for the rest of the Session they would be allowed to proceed with the public business, and that Members who had Motions would exercise that forbearance which would allow of the Session being brought as soon as possible to a close.

Mr. *Hawes* hoped that the sittings on Wednesdays would be really attended for the purpose of public business, and that the Members of the Government would attend. He begged, however, to say, that no imputation whatever rested on the Members of the Government as regarded the regularity of their attendance during the present Session. With respect to the appropriation of Thursdays, he would suggest that it should be a Government day after the 1st of July. In that case, Members would not put their Notices on the Paper after that day.

Mr. *Bernal* hoped the right hon. Baronet did not suppose that the Session of 1846 would be less distinguished by the pressure of railway business than that of 1845. He thought it deserved the serious attention of the right hon. Baronet, whether it were likely that they would be able to obtain in successive Sessions the attendance of Members on Railway Committees, and whether they would not be compelled to adopt some other system.

Sir *R. Peel* begged to remind the hon. Member what had been the result of the attempt to transfer the railway business to a Government tribunal. He was convinced that if that House parted with the power of adjudication, they would never be satisfied with the decisions of another tribunal, and that there would be still a struggle on the third reading. If it went forth to the public that the House of Lords had discharged their duty, while the House of Commons had shrunk from theirs, their position in the country would be altered, and they would feel compelled to step in at the third reading of Bills, in order that they might retain their position in the Constitution.

Mr. *Aglionby* congratulated the House on the assent given by the right hon. Baronet to the suggestion of the hon. Member for Montrose to meet early and rise early on Wednesdays. He could not omit the opportunity of paying his tribute to Her Majesty's Government for their regular attendance in that House. Not even the most assiduous Member of the House had surpassed them in the attention they had devoted to the public business.

Mr. *C. Buller* could not refrain from expressing his opinion that the present system of conducting the railway business of that House was the most defective and mischievous that had ever been devised, from the expense to which parties were put, and the uncertainty that attended the decisions of different Committees. It was

a scandal to the Legislature of the country. The right hon. Baronet said that they had tried the experiment of a Government Board. But that Board had only a partial field of inquiry, it did not embrace the whole subject. He thought they would be ultimately compelled to transfer the decision on these Railway Bills to a wholly independent tribunal.

The *Chancellor of the Exchequer* said, that this was a subject which would depend next Session on a great many points and difficulties which could not be considered now. He hoped hon. Members would now let the public business proceed.

Mr. *W. Williams* complained that the Government had introduced eleven Bills within only a few weeks of the close of the Session, and when it was impossible that they could be duly considered.

Subject at an end.

National Defences.] Viscount *Palmerston* said: My principal object in rising, is to call the attention of the House to a matter of great national importance, directly connected with the business upon which we are about to enter—I mean that of the Committee of Supply; it is the great imperfection of the present state of our national means of defence. I repeat, that this is a subject of the utmost importance. I think that any man who values peace, and who is sensible of the advantages which the country derives from it, must feel that this is a matter of first-rate importance; for peace between two countries can never be secure except when they stand upon a footing of equality with regard to their respective means of self-defence. Now, Sir, France, as I had occasion to state on a former occasion, has now a standing army of 340,000 men, fully equipped, including a large force of cavalry and artillery, and, in addition to that, 1,000,000 of the National Guard. I know that the National Guard of Paris amounts to 80,000 men, trained, disciplined, reviewed, clothed, equipped, and accustomed to duty, and perfectly competent, therefore, to take the internal duty of the country, and to set free the whole of the regular force. Now, Sir, if France were a country separated from our own by an impassable barrier—if she had no navy, or if the Channel could not be crossed, I should say this was a matter with which we had no concern. But that is not the case. In the first place, France has a fleet equal to ours. I do not speak of the number of vessels actually in existence, but of the fleet in commission and half-commission, in both which respects the fleet of France is equal to that of this country. But, again, the Channel is no longer a barrier. Steam navigation has rendered that which was before impassable by a military force nothing more than a river passable by a steam bridge. France has steamers capable of transporting 30,000 men, and she has harbours, inaccessible to any attack, in which these steamers may collect, and around which, on the land side, large bodies of men are constantly quartered. These harbours are directly opposite to our coast, and within a few hours' voyage of the different landing-places on the coast of England. Well, then, I say, that is not a state of things under which you can remain secure of peace, unless you are in a state of preparation to meet any sudden attack. Sir, I shall be told, perhaps, that our relations with France are of the most amicable nature. I admit it, and I trust that they may so continue. But questions of the greatest importance may start up in any quarter of the globe, and we can never be sure from month to month, with respect to two countries which have such extensive and diversified interests to be considered, that questions of the utmost delicacy and difficulty will not unexpectedly arise. Therefore, I say, when those questions do arise, you cannot deal with them on a footing of equality, and in a manner consistent with the interest and dignity of the country, if you are not in such a state as to be at least inaccessible to any sudden or early attack. Now, I say we are not in such a state. On a former occasion I pointed out the deficient state for defence of our naval arsenals. The right hon. Baronet told me that measures were being taken to remedy that deficiency. I hope that the remedy will be effectual. I feel sure that a very small addition to the batteries and so forth will be sufficient; and if a Commission of scientific and able officers be appointed to take the matter into consideration, I have no doubt that in a short time all ground of complaint will be removed. I dwelt also on the necessity of having harbours of refuge. The right hon. Baronet stated that that subject was also under the consideration of the Government, and that a Vote would be proposed. The sum now assigned for this purpose is a very small one, but it is probably enough as a beginning. The amount pro-

posed is upwards of 120,000*l.*, the estimate being 3,500,000*l.* I am willing to think that the Government will take such measures as they deem necessary; still I must say that they do not go far enough. I will suppose that our dockyards are perfectly inaccessible. I will suppose that we have harbours fortified against attack as well as against the sea, in which our steam vessels —assuming that we have a sufficient number of them—might be kept ready to act against any sudden invasion. But you must recollect that Calais, St. Malo, Cherbourg, and Dunkirk, are within a few hours' passage of our coast; and that, supposing a rupture to occur between the two countries, which I hope will not be case, you would have very short notice of any meditated attack; you would have very little means of sending your steamers in sufficient numbers to prevent a landing; and, therefore, though not for the purpose of attacking your dockyards, still for that of invading your coast, you might have 20,000 or 30,000 men landed without any possibility of your preventing such an event. Well, then, what is the state of the internal garrison which you can rely upon, supposing such an unfortunate event to happen? Why, you have nothing but the regular force of this country, which amounts, probably, including that in the Channel Islands, to less than 50,000 men,—20,000 in Ireland, and the rest distributed over Great Britain; and this force must be brigaded, a staff must be appointed, and the cavalry and artillery must be all brought together before you could put into the field a force capable of opposing an enemy. I would ask the Government what time must necessarily elapse before that could be done? You would have to recruit your army, and to ballot for the militia; and I ask any man who understands these matters, in what condition you would be placed in case of a rupture with any Foreign Power? The time and expense required for recruiting and collecting the army, would be more than any man who has not turned his attention to these things could possibly imagine. Well, then, I say, you have an acknowledged, established, and constitutional mode of guarding against this state of things, which of late has been abandoned on account of the expense, but for the continued abandonment of which I hold that that reason does not any longer apply, while other reasons for resorting to it have greatly augmented within the last few years. I refer to the summoning of the regular militia. When I asked the right hon. Baronet the Secretary of State for the Home Department the other day, whether it was intended to ballot for the militia, he told me that it was not; and it is on this account that I feel it my duty, before going into Committee of Supply at the end of this Session, and, before it is too late for the Government to take the matter into consideration, to urge upon the right hon. Baronet at the head of the Government the great importance of organizing this portion of the military defence. There is no constitutional objection to it; and for a comparatively small sum, you get the power of adding to your home garrison in an infinitely greater degree than you could by laying out that sum of money in augmenting the regular regiments. I would wish the Government to consider the expediency of not allowing this autumn to pass over without ballotting for and enrolling the militia. I would urge them in the course of the next summer to give at least half, if not the whole, of the militia regiments their twenty-eight days' training. What is the expense? I look back to the estimates of former years, and I see that the expense of a ballot for the militia of Great Britain, which gave 50,000 men was, not more than about 40,000*l.* [The *Chancellor of the Exchequer:* The local expenses?] The expense to the public was about 40,000*l.* The estimate for training the militia of Great Britain in 1821 was 90,000*l.*; that was the whole expense connected with 50,000 men. I do not mean to say that these are not considerable sums; and no doubt, if there were a deficiency in the revenue it would be a balance of considerations whether you would incur this expense, or take your chance of two or three years' continuance of peace; but then we have a war tax in time of peace; and, that being the case, for Heaven's sake let us have those ordinary precautions which will save us from the necessity of incurring the greater expenses of actual war. For a comparatively small amount you might have the means of assembling in arms within a fortnight 50,000 men as the organized British militia, and 70,000, if, in addition to that number, you organized the militia in Ireland. A training of twenty-eight days annually would place that force in a state of efficiency, sufficient, probably, for all the duties which they might suddenly be called upon to perform; and if you chose at the end of

the third year to give them fourteen days more, you would have a force which would be amply sufficient for the national defence. And do not let hon. Gentlemen imagine that the existence of a force of that sort, or the knowledge on the part of Foreign Powers that through the existence of such a force you were in a condition to defend your shores against attack, would not be a most powerful means of preserving you from difficulties which might ultimately lead to war. I venture to state that no country in Europe is in such a state of defencelessness as England is at the present moment. I know Governments are very apt to think—and the present one is perhaps not less so than any former one—that the duty of Ministers of the Crown is first of all to obtain and to retain a majority in this House. That is quite true; for without a majority in this House they could not continue to be Ministers. But that is not enough. It is not enough to be able to struggle through the debate and to scramble through the attack; it is not enongh to bring in good measures—and some of the measures of the Government this year I admit to have been good;—it is not enough to act on the best and soundest principles of domestic legislation, if you do not, in addition to that, place the country in as perfect a state of security as you possibly can; for if your shores are not sufficiently protected all your legislation may be in vain. Well, then, I say that this country is in the most defenceless state, considered with reference to the means of attack possessed by other Powers; on the one hand, the country is in the most defenceless condition in which she has ever yet been left: on the other hand, there never was a period at which your resources, population, and wealth were so great, and at which you had equal means, with less pressure on the industry and resources of the country, of placing yourself in a situation of comparative security. I contend, therefore, that it is the duty of the Government to look seriously at these matters. Sir, the old maxim, "*Si vis pacem para bellum*," is both true and false. It is a false maxim if it mean that you ought, in time of peace, to prepare a sufficient force for aggressive hostility. Such a course of proceeding is doubly mischievous. In the first place, it excites unnecessary jealousy on the part of foreign countries, and leads them to engage in preparations which may tend to render the preservation of peace uncertain. But, moreover, that Power which, in time of peace, arms itself with a view to aggressive movements, naturally acquires a disposition to make use of the means so attained; and thus what has been done begets a feeling which is inimical to peace. But if the maxim refers only to the preparation in peace of the means of defence in case of war, it is a most legitimate and sound maxim. It is by that means alone that any country can secure to itself the continuance of the blessings of peace. I hold that we have not at present that state of military preparation which would enable us to look with indifference upon any sudden contingencies. I hold that it is in the power of the Government to secure the necessary means of defence—at least to a very considerable degree—at a comparatively small expense, and without any infringement of those constitutional principles which I for one have not the least wish to disregard. Sir, it is upon these grounds that I have thought it my duty to call the attention of the Government to this subject. I would entreat them to consider whether it be consistent with that responsibility which weighs upon them, not merely to govern this country well, but to defend also that country which they so govern, to refrain from resorting to those constitutional methods of defence which may be so easily adopted, and which, in time of war, would add so greatly to our means of national defence.

Sir *R. Peel* said: Sir, I feel all the difficulty under which any person placed in my situation must labour in discussing publicly the question to which the noble Lord has felt it his duty to call our attention. I totally differ from the noble Lord as to the defenceless position of this country. I think I could prove that the noble Lord's impression on that subject is altogether erroneous; but I am quite sure that I should not be acting consistently with sound discretion, if I were to state the facts upon which my own opinion is founded. Nothing could be so unwise as to encourage parties—a small minority I trust—in other countries who may be bent on hostility to ours. I should be very sorry to furnish them with instruments to be used against their own Government, and thus to prevent that Government, though sincerely desirous of maintaining peace, from securing that object on account of the clamour of a certain portion of the community. I must say, generally, however, that the noble Lord has greatly underrated the

power which this country would possess, in the event of hostilities, for the vindication of its honour. So far from concurring in the opinion of the noble Lord, I believe that in case there should be a necessity imposed on this country of resorting to hostilities, there never was a period when such a demonstration as would then be called forth has been made; the Sovereign, supported and encouraged by almost the unanimous voice of the people, being determined in a just cause to make efforts worthy of the ancient character of this country. I have a strong opinion, that upon that head, we have nothing to fear. I think it is hardly possible to estimate what will be seen to be the dormant energy of this country, if a just cause should call it forth. At the same time, I must say that I concur in some of the principles which have been expressed by the noble Lord. I think it would be most unwise in this country to trust altogether to present appearances; and I hold that it is most advisable that this country should be able to feel confident, that in the event of sudden hostilities, she would be strong enough, and has the means, to protect herself. I quite agree with the noble Lord, that on the sudden occurrence of hostilities, as, for example, in the year 1793, unless you are in a state of preparation, the cost of sudden exertion is immense; and that it is a most unwise economy which would leave you to make sudden, precipitate, and unlooked-for efforts, in order to secure your own safety. I think also, with the noble Lord, that this country ought to be in such a state, that any other Power may not, on that account, be encouraged to resort to hostilities for the purpose of obtaining advantages. I trust, indeed, that we shall be able to preserve the friendly relations which exist between this country and France; this I hope will be the case, both for the sake of England and France, and for the sake of the civilized world. So far are this country and the House of Commons from grudging the prosperity of France, that I am sure I speak the general feeling when I say that we saw the returns respecting the commerce of France with great satisfaction. I wish that more intimate commercial relations may be established between the two countries; but I do trust also that whilst France is increasing in her commerce, she will see that she owes that increase of prosperity to the maintenance of peace, and that there will be among all rational people in that country a deliberate opinion that the honour and interests of France may be much better maintained by cultivating industry, and promoting commercial prosperity, than they could be by seeking that which is perfectly unnecessary for that most gallant country, whose reputation stands so high at every period of her history, namely, the maintenance of her glory by the increase of her territorial possessions. But, Sir, I must own that I am rather surprised at the noble Lord's excessive apprehensions on this subject; because the noble Lord was in office for a period of ten years, and I venture to say that this country is in a better state with respect to the means of repelling aggression than she was at that time. Did the noble Lord see France expend the sum of fifteen millions sterling upon the fortifications of Paris, and issue an order increasing the army suddenly to the extent of 100,000 men; and does the noble Lord think that this country now stands in the same position with respect to France as it did in 1841? There was no militia ballot at that period; there was not near the same amount of military force that there is at present; and I very much doubt whether there were as many sail of the line. The noble Lord has, I admit, suggested many points deserving of serious consideration. It is impossible not to see what a change has taken place with respect to navigation. I think that this country has a perfect right to consult its own security. If it were proposed to increase the military or naval force of the country for the purpose of aggression, we ought most seriously to consider the policy of such a course; but, as to taking measures for our own security in the event of public hostilities, the last consideration which should present itself to the mind of a Minister of the Crown is, "What will other Powers think?" I should certainly not hesitate to propose to Parliament, without reference to any other Powers, what I considered necessary even for contingencies. With reference to the dockyards, let me ask what was the state in which we found them? The noble Lord does not tell us that years passed without any measures of improvement being adopted. The improvements which are even now going forward make it desirable that we should not be hurried on to the adoption of measures, lest the money which we expend should be entirely thrown away. We have a perfect right, however, to take precautions for the defence of the naval arsenals and dockyards of this country. For the Navy and Ordnance we proposed

this year an addition of 1,100,000*l.* in the Estimates. I am placed, with respect to this matter, between two fires. Every word that I say in one direction may induce other parties to exclaim, "See what the Minister said in the House of Commons; we must now have two or three millions more." I should be exceedingly sorry to see a race run between great Powers—not a race in commerce and civilization—but each increasing as far as possible its military and naval force. There must be a limit to that. It is a question of the nicest discretion, whether you shall propose large sums for the Army or the Navy, or whether the effect will be to add to your relative strength. I know not a nicer question with regard to economy and to every other public object, than the extent to which you will proceed. I hope, however, that this country will never depart from that policy which has secured its safety, namely, that of being strong as a naval Power, and at the same time not attempting to enter into competition with the great military Powers of Europe. Say what you will, this country would not be satisfied with the existence of a standing army of 100,000 or 200,000 men kept within our own land. I admit that the amount of military force is not sufficient now to enable you, consistently with due economy, to meet the demands which may arise; but with respect to our becoming a great military Power, and relying upon having a military force able at once to meet that of other countries, except for the purposes of our own defence, that is a competition into which I trust this country will never enter. I do hope that this country will always have such a degree of naval strength as will enable her to feel entire confidence, in the event of hostilities. Then, with regard to the subject of local militia, let me say that I apprehend we have a demand, in case of necessity, upon a body of disciplined men amounting to 50,000, in whom we might repose great confidence. I refer to the Chelsea pensioners. When I was Secretary of State twenty years since, I even then felt that the militia was in an unsatisfactory state, and that there ought to be some local force constituted in this country. The noble Lord is aware that under the Act there is no prohibition against proceeding to ballot for the militia. The Act suspends the obligation to ballot, which would otherwise be imposed on the Crown; but, in case of necessity, the Crown would still be able to resort to this force. I would observe, that there has been that change in the state of society within the last few years which would probably render the present militia laws not exactly so suitable as they were, and they might perhaps undergo useful alterations. It is not necessary, perhaps, that I should now enter into any further explanation on this subject which the noble Lord has introduced. I am bound to content myself with stating that his impression as to the defencelessness of this country is totally at variance with my own. I speak not of that which concerns the public spirit and the honour of Englishmen, for I am sure that the noble Lord will admit, that with whatever difficulties an appeal to the country might be attended, that appeal would be entirely successful. Whatever may be required for the public service will be asked for, without scruple, by Her Majesty's Government. I am sure the House will feel the necessity of placing this country at all times in such a state of security that it will not have to depend upon temporary and possibly delusive appearances of tranquillity; but there will be actual peace, without any anxiety as to the result of the immediate occurrence of hostilities. The noble Lord said that we have fortunately a large surplus. But who is to be thanked for that? We have a large surplus in consequence of that imposition of taxation which, besides giving us this surplus, enables us to take precautions for the security of the country, and to remit that part of our taxation which has appeared to us to press most upon the labour and industry of the community. Having a surplus, we feel that we cannot apply it better than by taking precautions against eventual and possible danger; and the increase of the Votes for the Navy and Ordnance, and the Vote proposed with respect to the harbours of refuge, show that, while we attend to the claims of the people to the remission of taxation, we have not neglected the precautions which we think necessary for the safety of the country. With respect to the harbours of refuge, this is the first year that any proposal has been made. The Vote is purposely small, and I hope we shall not be driven forward too fast. Nothing can be more important than that we should take the best opinions as to the proper mode of securing the object. I take it for granted that the House is satisfied of the necessity which exists for those harbours of refuge which repeated naval commis-

sions have recommended. The subject has undergone such full investigation that there can be no necessity for any further inquiry. Dover, Portland, and Harwich are the sites which, as the result of repeated inquiries, are pointed out as the most appropriate for harbours of refuge. We have felt it our duty with respect to each of those places to take the opinions of the most eminent civil and military engineers as to the best mode of insuring to the country the greatest permanent advantage as the result of the money expended. With respect to all these places, and especially Dover, it is of the utmost importance that we should have the opportunity of profiting as far as possible by the opinions of those who are best qualified to give advice on the subject. These various matters are occupying the serious attention of the Government; and if my answer to the noble Lord be not entirely satisfactory, I entreat the House to bear in mind that I stand in a position in which I must appeal to their confidence; because I cannot state the particular facts upon which my own impression, as opposed to that of the noble Lord, is founded.

Viscount *Palmerston* said, the right hon. Baronet seemed to imagine that he advocated a great increase of the regular army, and a rivalry with continental nations. He had distinctly disclaimed any such view; all that he had recommended was the training of the militia. In reference to steam navigation, what he had said was, that the progress which had been made had converted the ordinary means of transport into a steam bridge. He did not mean to impeach the energy of the country, should danger arise. What he meant was, that without previous organization, the bravest men would be of no avail against an armed force.

Sir *R. Peel* said, the noble Lord appeared to retain the impression that our means of defence were rather abated by the discoveries of steam navigation. He was not at all prepared to admit that. He thought that the demonstration which we could make of our steam navy was one which would surprise the world; and, as the noble Lord had spoken of steam bridges, he would remind him that there were two parties who could play at making them.

Sir *C. Napier* said, that they had at present at sea eight sail of the line; but they, in point of seamen, were two rates below their proper complement. It was only the other day that the gallant Admiral opposite found it necessary to increase the number of men in those ships, and he could not have adopted a wiser measure. The Secretary at War had stated the other night, that no difficulty was met in finding persons willing to enlist into the army; but he could assure the House that the greatest difficulty was found in inducing sailors to enter the Navy. The right hon. Baronet had also spoken of the state of their steam naval force. He could tell the right hon. Baronet, that in this respect, they were inferior to their neighbours on the Continent, who built their steam vessels for an increased number of men and weight of metal; while they (the British) consulted only the rate of speed in their naval architecture. He (Sir Charles Napier) was glad to hear that there were 50,000 efficient pensioners—men able to bear arms in the country. He was glad to hear this, because they, with a little training, and the 30,000 of a standing army in England and Ireland, constituted a sufficient defence against foreign invasion.

SUPPLY—HARBOURS OF REFUGE—FIRE AT QUEBEC — DISSENTING MINISTERS (IRELAND).] House resolved itself into Committee of Supply.

On the Motion that 80,300*l.* be voted to defray the Superannuation of Persons formerly employed in the Civil Departments of the Government,

Mr. *Hume* appealed to the right hon. Baronet as a man of peace, and not a man of war, to know what had been done with respect to the formation of harbours of refuge.

Sir *R. Peel* said, that a Committee had been appointed to investigate this subject, and their investigation would be continued during the recess. He thought the House and the country were much indebted to the hon. Member for Montrose for having called the attention of the Government to the subject.

Mr. *Philip Howard* had formed one of a deputation which waited on the right hon. Baronet urging the necessity of converting Douglas, in the Isle of Man, into a harbour of refuge; and to effect that object, the authorities of the island were ready to devote a portion of their revenues, if they were supported in that project by the Government. The celebrated Paul Jones had, almost within memory, burnt St. Mary's Isle, threatened Whitehaven, and scoured those seas with impunity, showing, in the event of war with America

or France, the necessity of a well-protected seaboard. To the strictly defensive policy of constructing harbours of refuge, the Queen's Government should apply its early and best attention; and the claim of the Manxmen was full worthy of attention.

On the Question, that a sum of 11,800*l.* be granted for the Polish Refugees, and distressed Spaniards,

Mr. *J. Abel Smith* said, it might not be out of place for him here to remark upon the news that had that day reached the City of another disastrous fire in Quebec, by which 1,300 houses were burned to the ground, and several thousands of persons had been reduced to total destitution and to great suffering. He wished to ask whether Government contemplated to alleviate in any way the distress of these poor people?

Sir *R. Peel* said, the news had reached him only this morning, and he had heard it with the utmost regret, that another and an equally serious calamity had fallen on the city of Quebec. On the former occasion Government had done all in their power for the sufferers; and he was sure that now similar care and sympathy would be shown. The people of the country had shown great sympathy with the sufferers, and thinking as he did that Parliament should show its sympathy also, before the Supply was completely gone through, he promised to propose a Vote for the purpose.

Sir *Howard Douglas* wished to state some particulars relative to the late fire in Quebec, which had just reached him. The first fire took place on the 28th of May, and destroyed 1,600 houses; and, the second, on the 28th of June, and destroyed 1,300 houses. The extent of the calamity could be best ascertained by comparing the amount of loss with the numbers of the population. Quebec was a town containing 35,000 inhabitants, and the loss occasioned by the two fires amounted to 1,250,000*l.* From this it would appear that the calamity was greater in proportion than the great fire of London. He trusted that the liberality of this country would not be appealed to in vain for the relief of the sufferers.

Vote agreed to.

On the Question that the sum of 35,630*l.* be granted for Nonconforming and other Ministers in Ireland,

Mr. *Sharman Crawford* said, that it was his intention to take the sense of the House upon this Vote. He was an advocate of the voluntary principle, and he therefore felt it his duty to oppose this grant of money for the support of religious ministers. The grant had been progressively increasing; it went on increasing from year to year, and was likely, if not opposed, to go on increasing; and he therefore felt it his duty, as an advocate of the voluntary system, to oppose it. There was a portion of this sum which was to be applied for the benefit of clergymen's widows, and to that part he had no objection; nor would he, in case the Vote were discontinued, object to an arrangement for the benefit of those ministers at present in the enjoyment of those allowances, taking care to prevent a perpetual recurrence of such a Vote as this, to which he was entirely opposed on principle. He would, therefore, move that the sum voted for this purpose be reduced to 366*l.*

Mr. *Williams* supported the Amendment of the hon. Member for Rochdale. He was opposed to votes of public money for the support of religious ministers of any denomination.

Mr. *Hindley* said, that there was much difference of opinion as to the propriety of accepting grants of public money amongst the Dissenters. The Presbyterians in Ireland were generally in favour of such grants, and there was, therefore, no inconsistency in their accepting this Vote; but the Independents and Baptists were opposed to such grants.

Mr. *Hume* thought that they ought not to divide on this Motion until they had a statement from the Government as to whether it was prepared to promise such an arrangement as would prevent the Vote of this sum after a given time.

The *Chancellor of the Exchequer* could not obtain the support of e hon. Gentleman opposite by giving any assurance that the Vote would be discontinued after a particular period.

The Committee divided on the Question, that a sum not exceeding 366*l.* be granted: —Ayes 13; Noes 71: Majority 58.

Original Question agreed to.

SUPPLY—NEW ZEALAND.] On the Motion that 22,565*l.* be granted to Her Majesty to defray the Charges of the Colony of New Zealand being put,

Mr. *John Abel Smith* observed, that he understood that the New Zealand Company, confiding in the expressions made use of by the right hon. Baronet (Sir R.

Peel)—and he could assure the right hon. Baronet that he thought he spoke the sentiments of the various members of the Company, when he said that he believed those expressions had been sincere—the Company had, since the last discussion, addressed a letter to the noble Lord the Secretary for the Colonies, making certain proposals to the noble Lord, with a view to the settlement of the differences existing, unhappily, between the Government and the Company. He understood also, that upon the receipt of that letter, the Under Secretary, the hon. Gentleman opposite (Mr. G. W. Hope), expressed a wish to re-open the negotiations which had recently been carried on between the parties; that a deputation of the Company had waited upon him; that these negotiations were continued up to this moment; and that they now awaited for their final conclusion the approval of the noble Lord at the head of the Colonial department, whose unavoidable temporary absence had prevented that from being given up to the present moment. The Company were satisfied to rest upon that state of things for the present, and hoped that the noble Lord would look with favour upon the propositions which had been submitted to him; but they wished to understand if, in the event of their hopes in this respect being disappointed, and of the attempt at adjustment, which they had sincerely made, being fruitless, they should have another opportunity of making those remarks upon the present state of New Zealand which they would have done on the present occasion, had these negotiations not now been pending. If the hopes of the Company were not realized, he trusted that the opportunity sought for would be given before the close of the present Session.

Sir *R. Peel* entertained a sincere wish to see all differences satisfactorily adjusted between the Company and the Colonial department, and to co-operate in every way in which he could for the well-being of the Colony of New Zealand. No one could regret more than he did the differences which had arisen between the Company and the Government. Communications had now passed between the Colonial Office and a deputation appointed to act on the part of the Company; and the members of that deputation were themselves, so far, the best judges of what had passed. He trusted that an amicable arrangement would ultimately be come to, and the probability was that such would be the case; but if it should not be so, he saw no difficulty in giving an assurance that, if the present opportunity of discussing the matter were foregone, another opportunity, as desired, would be given for the discussion.

Mr. *G. W. Hope* said, that the absence of his noble Friend was not the only reason why the negotiation was not yet concluded. Another Gentleman had been called in to give his advice, and he was preparing his views, which would, when submitted, receive full consideration.

Mr. *Roebuck* said, that when New Zealand was first colonized, the country had been led to expect that a new era in colonization had commenced. He believed that if a little care were taken, and proper preparation made, before colonization was attempted, they might have a self-sustaining system. A great deal had been said of the danger which existed to colonists so situated as were those of New Zealand; but if they formed a general government on the principle of the representative system, there would be no danger whatever. Let them have a Governor representing the Crown, an Executive Council appointed by the Crown, and a legislative body appointed by counties, and let the legislature of the Colony be formed on this basis. Let the administration be in the Governor, with the advice, though not necessarily with the consent of the Council. It was surprising, seeing that we had colonized the whole of North America, that we had not by this time acquired sufficient knowledge and experience to colonize so small a portion of the earth's surface without the terrible squabbles which had been carried on between the Government and the Company—squabbles, terrible from the consequences to which they had, in some measure, led. What he wished to press upon the Government was, that they should adopt a general system. If they sent out to New Zealand a body of men, who understood the business of political surveying, who would lay the country out into counties, and if they had a general law prepared that each county, as it attained its necessary share of population, should receive its law from the law and from nothing else; and that it should govern itself, not by giving to it municipal powers—a course against which he would warn the right

hon. Baronet—a course which would split the country into sections—into a north and south island—which would make an Ireland and an England, a Rhode Island and a Connecticut, of it; but, if they kept the country one, with one central government, with a county administration, with no municipal, that is to say, with no legislative powers, then there would be a chance of governing the country well, and of rendering it prosperous. This single regulation also should be attended to, that metropolitan interference should only be resorted to to defend, when necessary, the Colony from hostile attacks. Let the colonists, so far as related to their local concerns, govern themselves, and let the Government of this country entrust the internal management of the Colony to their activity and exertions, to their daring and sagacity. The Government should not allow one hour to pass before they framed a uniform system of Government for the whole of the Colony.

Mr. *Hume* said, that the manner in which the Colonies had been treated required that Parliament should pass an Act, declaring what rights they were to possess, and what government they were to enjoy, and they would then be prepared to carry out the suggestions of his hon. and learned Friend. The great defect of our present system was to be found in the Colonial Department itself; the evil existed at head quarters. People might plan what they liked for the good government of the Colonies elsewhere; but so long as the Colonial Department remained defective, nothing in the way of permanent good could be accomplished. There was no prospect of an improved system in regard to our Colonies until they introduced some change into the Colonial Department by legislative enactment. He entreated the right hon. Baronet, in reference to this unfortunate matter, to step boldly out, and take the course which he well knew to be the right one, and to bring forward proper measures by which to impart confidence to the colonists. He hoped the right hon. Baronet would do this, for nobody trusted the noble Lord the Secretary for the Colonies. As to this Vote, he thought that they had already thrown away too much money for the support of Colonial misrule, and he felt it his duty to oppose it.

Mr. *Sheil* could not concur with his hon. Friend in his opposition to the Vote. He thought that it was but wise and prudent to fortify every settlement which was exposed to such an attack as Kororarika had sustained; and as to Captain Grey, the newly appointed Governor of New Zealand, it appeared to him that they should be liberal in their remuneration of a man who had the arduous duty to perform of correcting the calamitous mistakes into which the Colonial Office had been betrayed. No doubt some of the misfortunes of New Zealand were to be attributed to want of experience and incapacity on the part of Captain Fitzroy; but it was not at all on the vicarious back of Captain Fitzroy that the chastisement should exclusively fall. Who appointed Captain Fitzroy? By whom was he instructed? Of whom was Captain Fitzroy the undistorted image? If a different policy had been pursued towards New Zealand—if a different construction had been put upon the Treaty of Waitangi—if the construction adopted by the Committee, at the suggestion of Lord Francis Egerton, had been made the rule of the Government—if the contract had been fulfilled which was entered into by Lord John Russell—if Mr. Pennington's award had been carried into effect—if the Company, in consideration of their expenditure of 600,000*l.*, had got a single acre of land—if the Company had been induced, or rather permitted, to apply their vast capital and immense resources to the colonization of New Zealand, it was manifest that all the evils now loudly complained of, and deeply deplored, would not have happened; it was clear that property and life would have been protected in New Zealand; it was manifest that the New Zealanders themselves would have been signally served; that the value of the property in their possession, and to which their title would have been confirmed, would have been augmented from twenty to a hundred fold; and that the New Zealander himself, civilized and humanized, would have largely participated in the many advantages which would have been generally diffused. He thought, that such was not an exaggerated view of what, in all likelihood, would have taken place in New Zealand had a different policy been pursued. It was urged that Lord Stanley had been influenced in what he did by motives of humanity towards the New Zealanders. That assertion he was

not disposed to question, nor did he doubt but that Lord Stanley had given that interpretation to the Treaty of Waitangi which he considered most conducive to the interests of the New Zealanders. He thought, however, that the noble Lord had utterly mistaken the real interests of the native population, and that he had entailed great calamities, unwittingly, on the New Zealanders. If the Company had been the victims of his injustice, the New Zealanders had been the victims of his commiseration. Let them look at the results of the noble Lord's policy, and try that policy by its fruits. What had been the effects of the pseudo conciliation which had been adopted in reference to the New Zealanders? They were informed by the principal Protector of the aborigines, Mr. George Clarke he believed, that notwithstanding the interpretation given by Lord Stanley to the Treaty of Waitangi, and notwithstanding the strenuousness with which the rights of the New Zealanders had been protected, the Government, the conciliatory Government, were still the objects of abhorrence and scorn to the native population; and Captain Fitzroy himself, as was stated in Sir Everard Home's despatch, mentioned that the Colony was on the very verge of ruin, and that on the events of the next few months the tenure of the Colony by Great Britain might depend. Under these circumstances, it was manifest that some great change, some essential alteration, was necessary. The Government saw the malady; and for such a malady it was quite clear that petty medicaments, small doses, prescriptions at once empirical and homœopathic, combining strange experiments with erroneous practice, would not suffice. The Company asked the Government of this country to infuse the representative principle into the Government of New Zealand. It had been observed that a representative assembly was not fitted for New Zealand. That, perhaps, was quite true. Kororarika, though once a promising settlement, was now reduced to the state of Old Sarum, with but one house left in it, and he should certainly not propose that Kororarika should send a Member to the Colonial Parliament; but if three or four persons were delegated from Wellington and Auckland, and were to form component parts of the legislative Council, it was quite manifest that there would then be, in regard to New Zealand, something like that which was so important in our own constitutional system—a check upon the power, which was now next to unlimited, in the Colony. At present the Colony was under a legislative Council, and the legislative Council was under Lord Stanley. This was certainly an order of dependence in which it was highly desirable, if not indispensable, that an alteration should be made. It was not quite legitimate for the Government to say that the Company had asked them to establish in New Zealand a Colonial Parliament. That was not the case. The Company only wanted the Government to infuse some portion of the representative system into the Colonial Government. The decision of Lord Stanley was not irrevocable, and he might yet see good reason to change that decision, in compliance with the desires of the Company. With respect to the land question, the sources of mischief still continued. The Government still adhered to their interpretation of the Treaty of Waitangi, which they did in direct opposition to the Report of the Committee. He was very far from saying that the Report of a Committee was to be regarded as paramount in every case, although to Reports of Committees they occasionally attached very great importance. Lord Stanley had been condemned by a Report of a Committee of that House. The right hon. Baronet the Secretary for the Home Department relied for his acquittal upon the Report of that House. For three weeks the right hon. Gentleman was almost in a state of continuous ovation, on account of the Report of such a Committee. They were told to look at the manner in which that Committee had been constituted—happily constituted—that there were six Whigs and five Tories, all men of high intelligence and of remarkable impartiality. That was the course taken by the right hon. Baronet; but then the Government did not venture to take that course with New Zealand. When fault was imputed to the right hon. Gentleman, they were content with six Whigs and five Tories; but in the case of the noble Lord, two-thirds of their Committee were Tories and one-third Whigs; and upon that Committee they placed Members of the Government and embryo Ministers—Gentlemen who proved their capacity to serve the Government by their high qualifications, and the effective ser-

vice they rendered on that Committee. But when it happened that the Report of that Committee was against Lord Stanley, it was unnoticed. The Prime Minister, in the course of his observations, never adverted to the Report of the Committee. He had marked with that attention which every word uttered by the right hon. Gentleman was entitled to, and he observed that he never referred to the Committee, to the proceedings of the Committee, or to the Report of the Committee. It would be a bold proposition for a Prime Minister to say, that a Committee appointed by himself — let them mark that — a Committee appointed by the Government—a majority, a great majority, being the supporters of the Government — several of them Members of the Government—that the Report of such a Committee should be dismissed with utter disregard. What was the object of that inquiry? What the object of these observations? A great mistake had been committed. It had been suggested that that mistake should be repaired. It was to show the Government that if they would not go the entire length with the Committee, that the right hon. Gentleman perhaps might use his influence to induce Lord Stanley to retrace his course. He was the last man in that House to say that Lord Stanley should be treated with disrespect. His talents were great, and as a Parliamentary debater, he was far superior to almost any one he had ever heard; but if Lord Stanley were as calm and as unimpassioned as he was beyond doubt prompt, dexterous, and agile; and if his talents were not as peculiarly remarkable in every department in which he had been engaged, still he (Mr. Sheil) ventured to say that New Zealand ought not to be sacrificed to him, and that in choosing between the retention of a great patrician in the Cabinet, and the maintenance and happiness of a great British possession of the Crown, the latter ought to be preferred.

Sir *R. Peel* said, he was sorry that the right hon. Gentleman the Member for Dungarvon (Mr. Sheil) was deprived of the opportunity on the last occasion that the subject of New Zealand was debated in that House, of delivering the speech he had just made, and which was intended, as he thought, for a Motion very different from that which was now submitted to the House, and of which he cordially approved. He knew how painful it was for hon. Members at the end of a Session to carry away undelivered speeches with them, and he should have sympathised with the right hon. Gentleman in his disappointment if he had not had the opportunity of making this speech. The second debate on the affairs of New Zealand lasted two nights; and, as the right hon. Gentleman had referred to what had then had fallen from him, he begged to observe that he thought it would have been more appropriate had the right hon. Gentleman made those observations on that occasion. He certainly should not now be provoked to a renewal of the discussion on New Zealand, because he did not consider that it would be for the public interest, or the interest of the Colony itself. In noticing the remarks of the right hon. Gentleman, he would not even do what it was painful for him to refrain from doing, namely, enter into a defence of his noble Friend at the head of the Colonial Department, and repel the imputations which he thought were unjustly cast upon him. He could not do that without affording an opportunity for a renewed discussion, which he deprecated only upon public grounds. He felt the less regret, however, in adopting this course, because he thought that on the last and preceding occasion he did everything in his power to show that there was not that diversity of sentiment between his noble Friend and himself that had been imputed, and upon those occasions he certainly did exert himself to vindicate his noble Friend from the accusation directed against him. The right hon. Gentleman said that his noble Friend must be held responsible for the appointment of Captain Fitzroy. He admitted that, speaking technically — he granted that his noble Friend was responsible for the appointment; but, at the same time, he thought that it would be most ungenerous if, for every act of Mr. Hobson or Captain Fitzroy, he said to the noble Lord the Member for the city of London, "You appointed these gentlemen, and in the eye of the Constitution, you are responsible, and I hold you culpable for every act they have done." That doctrine was constitutionally and technically true; but, morally speaking, his noble Friend could not be held responsible for all the acts which were performed. With regard to the question of the militia, his noble Friend informed Captain Fitzroy, some months ago, that he thought a militia should be

organized; that there ought to be a local force established. But Captain Fitzroy differed from him, and did not act upon the instructions. It was quite true that his noble Friend was constitutionally responsible for the non-performance of this order; but he did not think that any gentleman out of the House would say that his noble Friend must be considered morally responsible for the decision come to by Captain Fitzroy. Captain Fitzroy, acting, no doubt, upon pure and honourable, though mistaken views, declined organizing the militia. The House might be assured, however, that his noble Friend had no wish to throw on Captain Fitzroy any responsibility that belonged to himself. As to the appointment of that gentleman, there never was an appointment made from purer or more disinterested motives. His noble Friend took Captain Fitzroy because he sincerely believed that he was a man better competent than almost any other for the discharge of the functions of Governor of New Zealand. With regard to the mode in which the Colony should be governed, he did not see much difference between the views of the hon. and learned Member for Bath, and those which he entertained. The hon. and learned Gentleman said, "Don't let there be municipal government, but county government." For any territorial division of the country they must take, as the centre, the largest town of the district; then incorporate with that town as large a district as they possibly could, and give the natives resident within the district the right of representation, and all the advantages of British subjects. By circumscribing the district, they excluded the possibility of mere ignorant physical force overpowering the spirit, enterprise, and intelligence of the English colonists. If they provided that every one of the natives should be entitled to vote, it was possible that a combination might be formed, and mere numbers overcome the settlers; but if they took their districts, and gave the natives an equal franchise, that would be a sort of county institution. He would certainly give a liberal franchise, and he thought that the body to be entrusted with the taxation of the Colony should have as extensive powers of taxation for county purposes as were consistent with the proper exercise of the functions of the supreme authority. The constitution of this supreme authority was a most important question; but that in some way or other, the Legislative Council—the governing body—ought to represent the public opinion of the Colony, was a principle which he was ready to admit. How that could be best accomplished, it was impossible for him to lay down, at this moment, any precise rule. Having alluded to the appointment of Captain Grey, who, he stated, should be amply remunerated for any loss he might sustain, the right hon. Baronet concluded by observing, that it was neither for the advantage of the Colony, nor for the public interest, that this discussion should be further continued.

Mr. *Hawes* was glad to hear that the intercourse between the Colonial Office and the New Zealand Company had been revived. This was creditable to the Colonial Office, after so many sharp debates; and he trusted that the whole matter would soon be brought to a satisfactory conclusion.

Mr. *C. Buller* said, that nothing could be in a better tone than was the speech of the right hon. Baronet; and he should feel greatly disappointed if the communications now going on between the Colonial Office and the New Zealand Company were not attended with the most satisfactory results. As to the choice of a Governor for the Colony, they ought to recollect that for a new settlement they required as a Governor a man of great ability, and 1,200*l.* a year was not sufficient for a gentleman going out as Governor of New Zealand: a taxing officer in one of the Law Courts in Dublin, his right hon. Friend informed them, got as high a salary. While they were voting the Estimates for New Zealand, they ought to take as much as would pay the debt at once. Now, the present Estimates did not give a fair notion of what the Colony required. In some Papers from Captain Fitzroy, the expenditure of this year was estimated at from 36,000*l.* to 40,000*l.*, and the only revenue to meet that, was 14,000*l.*, leaving a deficit of 22,000*l.* But of the 14,000*l.*, Captain Fitzroy calculated on receiving 8,000*l.* from property tax, and 2,000*l.* from land titles. The first return showed that the property tax would not produce 4,000*l.* instead of 8,000*l.*, and as to the revenue from land titles, by allowing parties to purchase from the natives, it was swept away altogether. Thus, then, all they had was 8,000*l.* as a revenue, with an expenditure of 36,000*l.* or 40,000*l.* leaving a deficit

of 32,000*l.* The present Estimate was only for 22,000*l.* and odd, and they had a debt of 15,000*l.*, for which they had issued their debentures. He did not think that there could be a less deficiency than 40,000*l.* in amount. He wished to call the attention of the Committee to another point. Captain Fitzroy had made a reduction in every one's salary in the Colony. He had taken one-fourth of each person's salary. They had, for instance, sent out Mr. Chapman as a judge, with a salary of 800*l.* a year; by Captain Fitzroy's regulations that had been reduced below 600 a year. This he considered a very hard case. Why was a difference to be made between judges? What right had this gentleman to expect that the Governor would have swept the customs from 22,000*l.* down to 8,000*l.*, and that he should be made to suffer for it? They ought to keep faith with the public servants; and in this instance they ought to take such an Estimate as would enable them, amongst other things, to pay this gentleman the salary they had contracted to give him.

Mr. *Aglionby* observed, that there appeared to him to be very little difference between the opinions of the hon. and learned Member for Bath, and the right hon. Baronet, as to that species of representative government which should be given to New Zealand. He hoped that the result of the proceedings that had been alluded to would be good government, under which the Colony would prosper.

Viscount *Ebrington* said, he rejoiced heartily to hear once more that there was a prospect of agreement between the Company and the Colonial Office; but he warned the House not to expect any satisfactory settlement until some clear and intelligible principle had been laid down for dealing with the waste lands. All the great writers on international law were agreed on the subject. Their authority had been already appealed to in this controversy; but he would venture to trouble the House with the opinions of a great and good man, the late Dr. Arnold, who thus wrote in the *Englishman's Register*, in June 1831, long before the New Zealand question had arisen:—

"It is said the land belongs to everybody—nothing belongs to everybody; it either belongs to somebody or to nobody at all. The air belongs to nobody, the open sea belongs to nobody, and for this reason, because man has done nothing and can do nothing to make them better for his use than God made them from the beginning. They are not his property at all; but with the earth or land, and all things on it, is quite different. Men were to subdue the earth, that is, make it by their labour what it would not have been by itself; and with the labour so bestowed upon it, came the right of property in it. Thus every land which is inhabited all belongs to somebody. But so much does the right of property go along with labour, that enlightened nations have never scrupled to take possession of countries inhabited only by savages—countries which have been hunted over, but never subdued or cultivated."

How different is the case of New Zealand, where the natives derived no supplies of food from the slaves, but depended on cultivation for their support! but where yet, he heard it stated in evidence again and again, not one thousandth part of the land had ever been cultivated. Dr. Arnold goes on to say—

"It is true they have often gone further and settled themselves in countries which were cultivated, and then it becomes robbery; but when our fathers went to America, and took possession of the mere hunting grounds of the Indians of lands on which man had hitherto bestowed no labour, they only exercised a right which God has inseparably united with industry and knowledge."

These are clear intelligible principles, clarly laid down; but up to this time no intelligible principle had been avowed by the Government on this subject; and as the land question was at the bottom of all the difficulties and disturbances in New Zealand, he thought the House ought not to be satisfied till Ministers declared how the waste lands were to be dealt with, whether they formed part of the domain of the Crown or not. Unless Government made up their minds to grapple firmly with this question, all hopes of a satisfactory settlement would be illusory; and these civil speeches between the Company and the Ministers, preferable as they were to their previous unseemly squabbles, would only terminate once more as they had so often before, in renewed disputes and disappointments.

Mr. *G. W. Hope*, leaving the general question as having been already sufficiently discussed, would confine himself to the amount of the present estimate. He agreed with the hon. and learned Member for Liskeard, that the smallness of the

Vote required some justification. The fact was, that among the many other difficulties in which the late Governor had left the Government (and he wished not to press unduly upon Captain Fitzroy), was that of great uncertainty as to the state of the finances of the Colony. He was not prepared to say that the calculations upon which this Vote was founded would prove to be correct; but in preparing the Estimates for Parliament the Colonial Office could only proceed upon such documents as had been furnished to them. And the only statement in reference to this, the financial question, which had been supplied to the Government by Captain Fitzroy, was that which had been referred to by the hon. and learned Member for Liskeard himself.

Mr. *W. Williams* had come down to the House expecting that this Vote was to be opposed. That, he believed, was the general understanding. But it appeared now that the Company having got their million of acres of land secured to them, as he supposed they had or would have under the renewed negotiation with the Colonial Office, they were for increasing instead of opposing the Estimates, knowing very well that the more money was expended in the Colony, the better it would be for themselves. He had no doubt if the Session lasted much longer, they would have a Supplemental Estimate brought in for New Zealand. For his part, he thought we were already taxed enough for this mismanaged Colony. Would the hon. Gentleman say whether this Vote included all that this country would be called upon to pay on account of the present year, or whether he intended to propose a Supplemental Estimate?

Mr. *G. W. Hope* had already stated that the calculations upon which the present Estimate was framed, were made upon very imperfect information.

Mr. *Mangles* believed, if the colonists of New Zealand were allowed to govern themselves, there would be a revenue more than sufficient to meet all the expenses of the Colony, without calling for any aid from this country.

Mr. *B. Osborne* was somewhat surprised at the turn the discussion had taken. It appeared now that the attention of the House had been taken up by a mere squabble between the New Zealand Company and the Government, and now that that dispute was in a fair way for settlement, the more important question of whether the Colonial Department as now constituted was fit to be intrusted with the destinies of our vast Colonial Empire, was altogether lost sight of.

Mr. *Hindley* complained that the present Bishop of New Zealand had consecrated, for the exclusive burial of Protestants, a portion of the cemetery which had hitherto been used for the interment of the inhabitants of the Colony generally, without regard to religious distinctions. He had received communications stating that this act of the Bishop's had given great dissatisfaction, and that a petition would be forwarded to him for presentation to the House of Commons on the subject.

Admiral *Dundas* could not allow any aspersions to be cast on the character of the present Bishop of New Zealand, without standing up in his defence. He believed no man had ever exercised the functions of his office with greater zeal and devotion—no man had been more successful in the performance of his sacred duties—and there was no man whose character was, in every respect, more exemplary than that of the right rev. Prelate.

Mr. *Protheroe* asked, was it intended that this country should be saddled with the ecclesiastical establishments of New Zealand?

Mr. *G. W. Hope* was understood to say, that, in the present state of the Colony, it was necessary that the means of religious instruction for the inhabitants should be provided by this country.

Mr. *B. Osborne* wished to know whether the present Governor was to have any increase of salary, as compared with the former Governors.

Mr. *G. W. Hope* said, the present Governor went out on a special mission, and he would, therefore, receive a special allowance. That special allowance would be 2,500*l.* a year, instead of 1,200*l.* a year, which was the salary of the late Governor.

Mr. *W. Williams* observed, that from all he had heard, he believed the present Bishop of New Zealand to be a most estimable person, and in every way fitted for the duties of his sacred office; but he thought the charge for the ecclesiastical establishment of the Colony ought not to be placed upon this country. He hoped that means would be taken to provide for the payment of the clergy out of the revenue arising from the waste lands of the Colony.

Viscount *Sandon* agreed that it would be impossible for this country to maintain the ecclesiastical establishments of all the Colonies. He believed that by an appropriation of the waste lands means might be provided for the religious training and education of the people, and for all clerical purposes, and he considered that the colonists ought to be put in a position, as soon as possible, to provide a religious establishment for themselves by those means.

Mr. *Hindley* was an advocate for the voluntary principle in all cases. But he believed the New Zealand Company had already turned their attention to the subject, and had invested 7,000*l.* in the hands of trustees for church purposes in New Zealand. Under these circumstances he thought it was hard that the charge should be thrown on this country. He had no wish to asperse the character of the Bishop of New Zealand; but if the statements which had been made to him were true, Dr. Selwyn had, he thought, acted imprudently in consecrating, for the exclusive burial of members of the Established Church, that part of the cemetery which had been previously used in common by all sects. He might have selected another piece of ground for the purpose.

Mr. *Aglionby* said, his hon. Friend was quite correct in supposing that the New Zealand Company had set apart a large sum for the purposes of religious instruction, and they had granted assistance in this respect without regard to any feelings of partiality for one religion more than another. They had been guided only by the proportionate numbers of each sect in the particular locality to which the grant was made, and they had given the largest division of the funds to the members of the Established Church, as being the largest body.

Vote agreed to.

Upon the Question that the sum of 2,597*l.* be granted for Salaries and Expenses of the Commission for the improvement of the river Shannon,

SUPPLY — THE SHANNON.] Colonel *Sibthorp* trusted that when this sum was expended this Commission would cease, and that Parliament would not be called upon to vote any more money for improving the estates of two noble Lords, under pretence of improving the river Shannon. He looked upon the whole proceeding as a gross job from beginning to end.

Mr. *B. Osborne* supposed that the two noble Lords to whom the hon. and gallant Officer referred were the Marquess of Lansdowne and Lord Monteagle.

The *Chancellor of the Exchequer* could assure the hon. and gallant Officer that the money voted for improving the Shannon, had been applied in that which was an important public work, carried on under the most competent engineers, and would be completed in the shortest possible period of time. With regard to the expense of the Commission itself, one person only as a Member of that Commission received salary.

Viscount *Sandon* denied that the improvement of the Shannon was a job. He felt bound, in justice to a noble Lord who was absent, to say, that having ascertained some years ago, in Liverpool, that it would be an object of great importance to fourteen counties to improve the navigation of the Shannon, he (Viscount Sandon) urged the subject upon the attention of the then Chancellor of the Exchequer (the present Lord Monteagle), who was at length by dint of persuasion induced to adopt means for carrying out the work. He for one believed the improvement would be found of more real value to Ireland, than all the railroads that had been projected.

Vote agreed to.

SUPPLY — ST. MARGARET'S, WESTMINSTER.] On the Question that 1,020*l.* be granted in aid of repairing St. Margaret's Church, Westminster,

Mr. *P. Borthwick* objected to the Vote, upon the ground, that the money lately expended on this building had been laid out on embellishments in the worst possible taste. He thought that the church ought to be pulled down altogether, and another constructed in a different part of the parish. He must also say that much bad taste was displayed in the monuments in the neighbouring Abbey of Westminster, which, he said, were unlike anything in the heaven above, in the earth beneath, or in the waters under the earth. He objected strongly, too, to the mythological devices introduced into a Christian church, and the showmanlike manner in which they were exhibited.

The *Chancellor of the Exchequer* remarked, that architectural amateurs were

quite insatiable in their demands for public money to be spent in carrying out their ideas. As to St. Margaret's Church, as the House of Commons occupied it in some sort, seats being allotted for the Speaker and Members, they ought to pay for its necessary reparations; and with respect to pulling down the church, it would cost from 40,000*l.* to 50,000*l.* were it to be removed, and another substituted in its place.

Mr. *Bernal Osborne* was in favour of the demolition of the church, as a Committee of the House had already suggested. As to Members going there, that was only a parliamentary fiction. He thought that even 50,000*l.* would not be too much to be expended in effecting the object in view.

Mr. *Hindley* thought the Vote should be postponed, and the church ultimately pulled down, as it would be in the way of the proposed Westminster improvements.

Viscount *Sandon* should regret to see 40,000*l.* expended in the way proposed. If they intended to spend money in architectural improvements, they ought to begin by pulling down the two towers of the Abbey, erected as they were in defiance of taste and architectural propriety.

Mr. *Abel Smith* agreed with the first observations of the noble Lord. He thought, however, that St. Margaret's burial-ground should be removed, and he hoped that the Chancellor of the Exchequer would not overlook the matter.

Mr. *Sheil* had a curiosity—he would not in the presence of the noble Lord opposite characterize the word in any way—but he really had a curiosity to know whether the noble Lord the Member for Liverpool, or the right hon. Gentleman the Chancellor of the Exchequer, had ever attended divine service at the church in question?

Viscount *Sandon:* Yes, twice.

The *Chancellor of the Exchequer:* Yes, once.

Mr. *Sheil* could understand how the right hon. Gentleman had gone. The Speaker went there once a year, and the right hon. Gentleman had probably accompanied him on one of these occasions. But very few Members of the House had ever been within the walls of St. Margaret's church. They should then put out of the case the use made by the House of Commons of the church. He thought, moreover, that there should be full parochial accommodation for the inhabitants of the district. Now, was the Abbey turned to as much account as it might be in this way? There was a most noble building—he never could enter it without thinking of the uses to which it was once put, although he would refrain from any anticipations or speculations as to whether it might ever be put to these uses again. But did it not occur to them that, in a building of such vast size, within which he almost always found reigning a most solemn mysterious solitude, did it not occur to them that it might be turned to some useful purpose? How were matters managed at present? They took a small section, and crowded a congregation into it; a congregation only large by contrast with the place in which it was bestowed; while, by enlarging that portion of the edifice, they would be providing for parochial accommodation, and applying the church to its proper purposes as a place of worship. When he saw Mr. Barry's beautiful design from Westminster Bridge—and he never saw a more beautiful one—when that design was completed, would not St. Margaret's be an eyesore? Again, when they came down Parliament-street, would it not obstruct their view of the Abbey, and in coming from the Parks by the proposed new street, would it not be equally in the way? He was not disposed to have 40,000*l.* or 50,000*l.* voted for Westminster improvements were such obstructions to be allowed to continue. He did hope that the understanding formerly, as he understood, come to, that the church would be got rid of when the new Houses were built, would be really acted upon.

Mr. *Hawes* said, that the sum alluded to by the right hon. Gentleman was not voted in supply from his pocket. The fund for metropolitan improvements came from the coal tax imposed on the port of London.

Mr. *Sheil:* It comes from my pocket, nevertheless. I don't burn turf.

Sir *J. Graham* agreed with the noble Lord the Member for Liverpool, and his right hon. Friend the Chancellor of the Exchequer. The objection taken to the church was not only that it intercepted the view, but the site itself was very objectionable. Suppose the expense of rebuilding the church not to exceed 40,000*l.*, where was a new site to be found? He believed that it would require an expenditure of more than 60,000*l.* to provide the

necessary accommodation. The parent church must be maintained, and he conceived that no more economical plan could be devised than the grant now proposed.

Viscount *Sandon* trusted the dean and chapter of Westminster would attend to the suggestions which had been thrown out, and he believed that some alteration was intended to be made.

Mr. *Protheroe* was of opinion that St. Margaret's Church was a very fair specimen of undecorated Gothic architecture. The only part of the Abbey which was concealed by the Church was the ugly portion between the north entrance and Henry the Seventh's chapel, and St. Margaret's Church was far more sightly. The right hon. Gentleman the Member for Dungarvon had asked how many Members of Parliament attended that church. In former years, he (Mr. Protheroe) frequently attended St. Margaret's Church, both in the morning and evening, and often saw a considerable number there. He trusted the right hon. Gentleman the Chancellor of the Exchequer would turn his attention to the state of St. Margaret's churchyard. The effluvia arising from it was most disagreeable, and hon. Members, whose attendance in Parliament was compulsory, suffered more or less from the air sent into the House by Dr. Reid.

Mr. *M. J. O'Connell* would not go into the discussion whether or not this church was a good specimen of Gothic architecture; for this was not a Committee of Taste but of Supply. He thought the right hon. Gentleman had over-estimated the difficulty of procuring a site. He had the honour of sitting on a Committee connected with this subject, and the result of their investigation was, that several sites could now be procured at a comparatively cheap rate, which in a few years might cost a large sum. He hoped, then, Government would lose no time in getting rid of the nuisance of the churchyard, which, in his belief, was injurious to the health of Members of that House, and he was sure was so to persons who resided in the neighbourhood. He did not think the Vote should be postponed; for they would probably have to pay next year a much larger sum if no provision was now made for the repair of the church.

Mr. *Escott* felt somewhat alarmed at the tone of the right hon. Baronet the Secretary of State for the Home Department, who evidently intended that St. Margaret's Church should remain permanently. If they consented to vote hundreds of thousands every year for the New Palace at Westminster, and could not afford 20,000*l.* or 30,000*l.* for the removal of that church, it would be better to put a stop to the improvements altogether. He considered the church to be a complete disgrace to the neighbourhood.

The *Chancellor of the Exchequer* said, the Archdeacon, at his visitation, had presented the church as not being in a fit state of repair.

The Committee divided: — Ayes 44; Noes 19: Majority 25.

Vote agreed to.

SUPPLY — STATUES IN THE NEW HOUSES OF PARLIAMENT.] On the Question that 2,000*l.* be granted for statues to Hampden, Lord Falkland, and Lord Clarendon,

Mr. *Williams* hoped that amongst the illustrious rulers of this country to whom statues were to be erected, Cromwell would not be forgotten. He believed that, of the monarchs who ruled this country for 1,000 years, there was not one to be found more distinguished as a soldier and a statesman. Cromwell was as worthy of remembrance by the people of this country as Napoleon by the people of France. Less crime and less cruelty could be brought home to him than to any one who had attained such renown as a warrior and statesman.

Mr. *Hutt* could assure his hon. Friend who had pronounced so eloquent an eulogium on Cromwell, that it was currently reported that a statue to his hon. Friend's favourite ruler was not excluded from the list of those about to be erected.

Mr. *Williams:* I am very glad to hear it.

Vote agreed to.

SUPPLY—FOREIGN AND SECRET SERVICE.] On the Question that 39,000*l.* be granted for Foreign and other Secret Services,

Mr. *Williams* objected to this Vote. There was none to which the people of England more strongly objected. Bearing in mind the statements made by the Secretary of State for the Home Department at the beginning of the Session, he presumed the whole of the Vote was administered by the Foreign Office; but

there never was a time when Secret Service Money was less required, and he should therefore move that the Vote be reduced to 20,000*l.*

The Committee divided on the Question, that the grant be 20,000*l.*:—Ayes 9, Noes 56: Majority 47.

Original Question agreed to.

SUPPLY—EDUCATION (IRELAND).] On the Question that 75,000*l.* be granted to enable the Lord Lieutenant of Ireland to issue Money for the advancement of Education, from the 1st of April, 1845, to the 31st of March, 1846,

Mr. *G. A. Hamilton* stated that, however strongly he was opposed to the National System of Education in Ireland—however he was of opinion that a most important principle had been conceded in it, in order to render it palatable and acceptable to the Roman Catholic party—and, although he should have felt it to be his duty to give it every opposition if now brought forward for the first time, and its principle made the subject of discussion, yet he was ready to admit, all things considered—considering that the system had been now for more than twelve years in operation, supported by three successive Administrations differing from each other in political sentiments, and that school-houses had been built and arrangements made upon the faith of its continuance, he (Mr. Hamilton) should not feel justified in endeavouring so suddenly, as on a Vote in Committee of Supply, to stop a grant for the support of schools in which so many hundred thousand children of the poor in Ireland were now in course of education. It was certainly his intention to have brought under the consideration of the House the present state of the Education Question in Ireland, with the view of vindicating the Protestants of Ireland, and especially the clergy of the Established Church, from the unjust imputations which had been cast upon them, and the odium to which they had been exposed in consequence of their continued and conscientious refusal to identify themselves with, or give their sanction to, that system—and of stating to the House the reasons and motives by which they were actuated. But, at so advanced a period of the Session—in the present position of public business—in the exhausted state of the House, and in the absence of so many of his hon. Friends—he felt it would be useless to attempt to do justice to the subject, and he would, therefore, refrain from raising any discussion respecting it. On the present occasion he would content himself with entering his protest against the principle which was involved in the Vote before the Committee, and expressing the deep regret he felt that Her Majesty's Government had not thought it proper to entertain favourably the strong appeal which had recently been made to them in reference to Scriptural Education in Ireland. That appeal had been made on behalf of the great body of the Protestant laity of Ireland—of 1,700 of the clergy of the Established Church—and was supported by the petitions of more than 63,000 persons which had been presented in that House. The object of the application was to induce Her Majesty's Government to take into their consideration the very painful position in which the Protestant clergy and people of Ireland were placed, who conscientiously object to the present national system—and it urged the claims of 1,820 Scriptural schools, attended by more than 103,000 children of different persuasions. He (Mr. Hamilton) regretted deeply that such an appeal should have been disregarded—had it been entertained, he did believe that the subject would have been approached with a great desire to promote an arrangement or accommodation; and he was sanguine enough to believe, that a satisfactory accommodation might have been arrived at. For the reasons he had stated, he would not trespass further upon the Committee; but would be satisfied with entering his earnest protest against the national system and its principle.

Mr. *Osborne* complained of the attacks that were made against the system, referring in particular to a speech of the Bishop of Cashel, in the other House of Parliament, wherein that right rev. Prelate stated that seventy-six out of 100 of the children educated in a particular locality could neither read nor write; the fact being, that those were children between the ages of five and ten, a fact which the right rev. Prelate omitted to state. His speech had been quoted and relied on at several public meetings, as containing substantial proofs and charges against the efficiency of the national system of education, but against which no tangible charge had yet been brought forward even by the right rev. Prelate.

Mr. *Wyse* wished to know from the right hon. Baronet opposite, whether it were intended, as intimated by him at the commencement of the Session, to establish model schools in Ireland, with a view to the introduction of a higher class of education; and also, whether it was intended to incorporate the National Board, so as to give it the power of taking land for the building of schools, particularly in those districts where, as the right hon. Baronet must be aware, there existed great difficulty in obtaining sites for that purpose, owing to the opposition of the proprietary to the national system of education, and in consequence of which, schools were sometimes established in places most inconvenient to the majority of the population. He also wished to know whether it was intended to better the style of existing school-houses, some of which were scarcely better than hovels.

Sir *J. Graham* had no hesitation in stating that the Board of National Education in Ireland did intend to found in certain districts such schools as he had described at an early part of the Session; and, in order to meet the difficulty referred to by the hon. Member respecting sites for school-houses, it was proposed to recommend to Her Majesty to grant a charter of incorporation to the National Board, whereby they would be enabled to take and appropriate land for that purpose. In reply to the hon. Member's last question, he could state that the attention of the Board had been directed to the state of existing school-houses. The point was one of much difficulty; but he had no doubt that they would be made more worthy of the object to which they were applied.

Mr. *M. J. O'Connell* said, that it was not the speeches that were made in that House, but out of it, of which he had to complain. Hon. Gentlemen opposite wished for a separate grant for a system of education in connexion with the Protestant Church: they demanded a grant for the Church Education Society; but, if that were conceded, an equivalent, and consequently a much larger grant, should, in justice, be given to a Roman Catholic board for the purpose of Roman Catholic education. Such a course would upset the present united and useful system, and lead to much sectarian bitterness.

Lord *C. Hamilton* denied that there existed on the part of those who supported the Church Education Society any desire to establish separate boards, and maintained that the boasted success of the national system was merely fictitious, and that the only united system was that of the Church Society. He was prepared to prove, that while that system was both united and liberal, and interfered less with the religious tenets of the children than the national system, it conferred upon all alike, Roman Catholics as well as Protestants, a sound Christian education.

Mr. *M. J. O'Connell* conceived that a distinct grant to the Church Education Society would have the effect he described. The very name of the society indicated a sectarian character. The Church Catechism was required to be taught in the schools of the Church Education Society. [Lord *C. Hamilton:* No, no.] Then he could neither understand the Society's name nor the speeches of its supporters. At a meeting last March, the Bishop of Down spoke of the system adopted by the National Board as "anti-Christian, because anti-Scriptural and anti-Church."

Lord *C. Hamilton* defended the application of the term "anti-Scriptural," and insisted that 815 of the national schools had been found to admit neither the Scriptures nor the Extracts.

Mr. *Osborne* said, that if the national system did not supply united education, it was because the clergy of the Established Church set their faces against it, and refused to attend at the schools. The rules allowed religious instruction to be given, and provided for it, though no child was to be required to attend if its parents objected. And hon. Members who voted for the Irish Colleges Bill could call this an anti-Scriptural system!

Lord *C. Hamilton* could justify what he had said, but had much more respect for the Committee than for the observations just made.

Vote agreed to.

SUPPLY — SCOTCH UNIVERSITIES.] On the Vote of 7,380*l.* for grants to the Scotch Universities, formerly paid from the hereditary revenues of the Crown,

Mr. *S. Crawford*, objecting to any grant to a professor of divinity, moved that the Vote be reduced to 7,228*l.*

The Committee divided on the Ques-

tion, that the sum be 7,228*l.*:—Ayes 9, Noes 66; Majority 57.

Vote agreed to.

SUPPLY — BRITISH MUSEUM.] On the Question that a sum of 42,040*l.* be granted for the Expenses of the British Museum,

Mr. *Wyse* wished to call the attention of the Government to a proposition he had before submitted to the House for the Establishment of a Gallery of National Antiquities. Such an establishment might either be connected with the British Museum, or a separate institution might be formed.

Sir *R. Peel* said, he was fully sensible of the importance of this subject; but there were at present such numerous demands upon the Government for new buildings and for the establishment of new institutions, that they found it absolutely necessary to put some limit upon their expenditure in this department. He thought if such a selection of antiquities as that referred to by the hon. Member for Waterford should be formed, it was most advisable that it should be united with the British Museum, rather than established as a separate institution. He would suggest to the hon. Gentleman the propriety of postponing the consideration of this subject until the new buildings now in course of erection in connexion with the British Museum were completed.

Mr. *Wyse* said, he did not wish to propose any Motion on the subject. His object was to obtain from the right hon. Baronet at the head of Her Majesty's Government an expression of sympathy in the views he entertained.

Sir *R. Peel* said, he considered it was far preferable to aid local institutions in preserving local antiquities, than to remove such antiquities from the vicinities with which their interest was immediately connected.

Mr. *Hawes* adverted to the collection of prints recently purchased for the British Museum, and lauded the care bestowed by the right hon. Baronet (Sir R. Peel) in the acquisition of treasures of this kind, and the general liberality and discrimination exhibited by him in matters relating to the fine arts.

Vote agreed to.

SUPPLY—CIVIL CONTINGENCIES.] On the Question that the sum of 50,000*l.* be granted to complete the sum of 100,000*l.*, for Civil Contingencies,

Mr. *Williams* thought that this sum ought not to be taken in one vote, but that it should be divided into several votes. Upon one portion of the Vote he should take the sense of the Committee—namely, on that relating to the expenditure which had taken place in excursions made on board of Her Majesty's ships of war by certain bishops connected with our dependencies. He also objected to the charge of 25*l.* for conveying the Prince of Prussia from Greenwich to Ostend; as well as to that of 1,200*l.* for such of the Episcopal clergy in Scotland as were most in need of assistance. He thought that these clergymen ought to be maintained by their own congregations, in the same way as the members of the Free Church maintained their pastors. He should move that the Vote be for 47,899*l.* 10*s.* 1*d.*

Sir *C. Napier* presumed, that the bishops to whom the hon. Gentleman had alluded, had made these excursions in the performance of their duty; and an allowance ought to be made for their expenses, unless they went about for their own amusement. There was, however, one item which he thought objectionable—namely, 60*l.* for a passage from Gibraltar to Cadiz. Now, this must have been a shabby bishop, for he must have been living aboard ship all the time, instead of going ashore at Cadiz, where there were plenty of hotels. It was impossible that the expenses of the mere passage could have amounted to that sum. He should like to have some explanation of an item of 810*l.* for the travelling expenses of various Sovereigns and Royal personages, during their sojourn in England in the last year.

The *Chancellor of the Exchequer* quite agreed in the principle laid down by the hon. Member for Coventry and the hon. and gallant Officer, that the Colonial bishops ought to pay for all excursions made for the purposes of recreation out of their own pockets; but the excursion in question did not come within that description. The journey to Lisbon of the Bishop of Gibraltar was rendered necessary, in order that a new church and a burying ground should be consecrated. The charges of entertaining passengers of the rank of bishops, who dined at the

captain's table, were fixed at a fair and at the same time a moderate sum, so as to remunerate the officer; but not to enable him to gain anything. As to the question put by the gallant Officer respecting the travelling expenses of the Royal Personages who had visited this country in the course of last year, he must state that it was customary for a Sovereign to defray all charges of guests whilst in his or her dominions; and he was quite sure the gallant Officer would not wish to see the Queen of England placed in a different position in this respect to that of other crowned heads.

Captain *Pechell* observed a sum charged for the entertainment of Queen Pomare and her Consort when she took shelter on board of the *Cormorant*, whilst stationed at Tahiti. He wished to know from whom it was that Queen Pomare sought the protection and shelter afforded by the *Cormorant?*

Sir *G. Cockburn* said, that Queen Pomare sought a refuge aboard of the *Cormorant*, when her island and capital were taken possession of by the French.

Mr. *Hindley* was glad to see the sum referred to by the hon. and gallant Member, on the Votes, as it showed that some sympathy existed in England towards the Queen of Tahiti.

The Committee divided on the Question, that 47,899*l.* 10*s.* 1*d.* be granted:—Ayes 11; Noes 68: Majority 57.

Original Question agreed to.

SUPPLY—RETIREMENT OF NAVAL CAPTAINS.] Mr. *Corry* rose to propose that the sum of 7,528*l.* should be granted to Her Majesty, for half a year's retired allowance of 300 Captains in Her Majesty's Navy (being the Supplemental Navy Estimate), at the rate of 5*s.* 6*d.* a day to each, beyond the amount of their existing half-pay, 15,056*l.* The right hon. Gentleman said, he felt assured that the explanatory memorandum which had been furnished to them had satisfied the Committee that in the first place it was indispensable that the flag list of the navy should be composed of younger men; and, secondly, that if that were to be effected by means of a retirement, no scheme less extensive than that which he had to propose would be effectual; and he therefore did not deem it necessary to establish the importance of the subject by referring to former history. There were, doubtless, to be found on the present list of flag officers, men who, notwithstanding their advanced age, were yet quite capable of serving with efficiency. Such examples were, however, unfortunately of rare occurrence; and he thought it would be admitted on all hands that it had become necessary that younger men should be brought forward to succeed to the flag than could possibly be the case under the present system. The flag list at present consisted of a hundred and sixty-one officers; of those, forty-six had not served the time necessary to qualify them; of the remaining hundred and fifteen, eleven were between eighty and ninety years of age; fifty-six were between seventy and eighty; forty-two were between sixty and seventy; and six only were between fifty-five and sixty. The youngest admiral was upwards of seventy years of age, the youngest vice-admiral was upwards of sixty, and the youngest rear-admiral upwards of fifty-five. Under the existing system that list of flag officers so composed could only be recruited from the first in seniority on the captain's list. On examining the ages of the first hundred on the captain's list, it appeared that thirty were upwards of seventy years of age; that forty-seven were between sixty and seventy; and only twenty-three under sixty, the youngest being fifty-five years of age. Of the second hundred, eleven were between seventy and eighty; forty-two were between sixty and seventy; and forty-seven were between fifty and sixty, of whom only seven were under fifty-five. Of the third hundred, seven only were under fifty, and none of them would have the slightest chance of the flag until the age of fifty-five. He might here observe that during the war, when the success which attended our arms was to be attributed no less to the energy, activity and enterprise of our officers, than to their skill and ingenuity, the average age at which officers were promoted to the flag was, in 1805, forty-two years, and in 1810, forty-five years. Lord Nelson was a rear-admiral at thirty-nine, and he closed his glorious career at forty-seven. His gallant Friend near him was also a rear-admiral at the age of thirty-nine. At the last brevet the average age was sixty-one, and the evil, instead of diminishing, was increasing, for if a brevet were to take place to-morrow, and included the first fifty officers on the list, the average

age would be upwards of sixty-seven. The average age of the first hundred would be sixty-seven, of the second hundred, sixty-two; of the third hundred, fifty-eight; and it was not until they reached the fourth hundred that they would find an average age less than that which would entitle officers to admission to the retirement list. Of the first three hundred captains on the list, only seven were under fifty years of age. When these circumstances were considered, he trusted it would be admitted that the scheme which he proposed was not more extensive than was absolutely necessary. As respected the terms on which it was offered, he hoped that they might be regarded as affording a fair and liberal remuneration, and that they would not be looked upon as inconsistent with economy. Every officer accepting retirement would receive 5*s.* 6*d.* a day in addition to his present rate of half-pay, and to that to which he would become subsequently entitled had he remained on the present active list. The title of rear-admiral should be conferred on the first hundred in the list, and the remainder should be permitted to assume the same title at the period when they would have obtained the flag by seniority, had they continued on the active list. The widows of officers having the honorary rank of rear-admiral were to be entitled to the same pension as if they were the wives of effective flag-officers, and to the widows of the retired officers it was proposed to allow pensions of 110*l.* per annum. Those terms were offered absolutely to all captains of fifty-five years and upwards, not exceeding 300 in number; discretionary power, however, was vested in the Admiralty to extend it to officers between fifty and fifty-five years of age, who were suffering from bodily infirmity. No fresh appointments were to be made until the number should be reduced by death to 100, which number was to be permanently maintained by filling up every vacancy as it should occur. Should 300 officers retire, the effective list would be reduced to 414. To prevent that redundancy the list was to be further reduced, by continuing the system of one promotion for every three vacancies, till it should be reduced to 400, at which number it should be permanently maintained. It was also proposed to apply the same principle of one promotion for every three vacancies to the flag list, till it should be reduced from 161 to 150, at which it should be maintained by continuous promotions. It was not, however, intended that the limitation of the captains and flag lists should interfere with the immediate promotion of officers for gallant and deserving services; but in such cases (as also in the case of general promotion), the lists were again to be reduced to the limited number, by resorting to the restricted promotion. As the number of captains would thus be reduced from 714 to 400, it was only reasonable that a corresponding reduction should be made in the numbers of those in the receipt of the higher rates of half-pay. The 14*s.* 6*d.* list, therefore, would be reduced from 100 to 50, and the 12*s.* 6*d.* list from 150 to 100. That gave the same proportion in the receipt of the different rates of half-pay, whilst the prospects of each were much improved by a nearer approximation to the flag, and increased chances of employment on the reduction of the list; and he regarded it as being scarcely less important than the principal object of the plan, for it was impossible that officers could be qualified for high command without that experience which alone could be gained in active service; and at present the opportunities of employment were so few that since the peace not one-tenth of the number of officers on the list had ever been commissioned at the same time; and out of the seventy-one captains, only ninety-five had served the necessary time to qualify them for foreign employment as flag officers, of whom only six were under forty-five years of age—the average age of those who actually hoisted their flags during the war. This proposed plan of retirement, would give a greater share of employment to every officer remaining on the effective list, whilst it would give it to comparatively young men, which was undoubtedly a great advantage. He had thus attempted shortly to explain the details of his proposed plan of retirement, with the collateral changes on the effective list. He trusted that the terms proposed would prove sufficiently liberal to ensure the reception of the plan; and though, no doubt, there were many old officers on the list who, actuated by the honourable ambition of serving their country, would be unwilling to accept retirement upon any terms on which it could be offered, yet it could not fail to have occurred to

them that when the Government had undertaken this extensive scheme, their chances of employment must, to say the least of it, be very much diminished. If the number required should not accept the offer made to them, it was obvious that any small retirement would be of no avail; for it would only impose a burthen upon the country, without any corresponding benefit, and it would become the duty of the Government to consider what other measures could be adopted to secure the efficiency of the flag list. Should the plan prove fully successful, the additional cost occasioned by the retirement of 300 captains would amount, in the first year, to 30,112*l.*; but that amount would annually diminish, till the retired list should be reduced by death to 100, when the permanent charge would amount to something more than 10,000*l.* Against that charge, however, must be placed several reductions of expenditure which the proposed plan would occasion in the active list. The first would be an annual saving of 7,000*l.*, resulting from the limitation of the flag list to 150. A saving of 5,000*l.* would also result from the readjustment of the rates of half-pay, and a further saving of 5,000*l.* would also result, at the end of the 16th year, from the non-promotion of one in three on the 200 officers being removed from the retired list without being replaced. A further saving would also follow from the reduction of the list of flag officers to 150, and the general result of all would be (after a few years) an excess of saving over the cost amounting to many thousands per annum. Feeling confident that the Vote would be agreed to, he would not trespass longer on the time of the House.

Mr. *W. Williams* opposed the Vote. An actuary would tell the Government that this would really be equivalent to a vote of half a million; it would take that sum to buy such annuities; and already, during a thirty years' peace, the navy had cost on an average 3,500,000*l.* a year. The half-pay of our navy was rather more than the expenditure of the whole naval department of the United States. Had the Government ascertained that 300 captains of fifty years of age would accept the proposition? Only those who had no interest with the men in power would do so. And why not apply the principle to lieutenants and commanders? If this Vote were granted, there would be other claims, though he would do the officers of the army in that House the justice to say, that while those of the navy had been continually pestering the Government for money, the others had never uttered a word of discontent with their condition.

Captain *Pechell* regretted that any comparison had been drawn between the officers of the two services, and language used tending only to excite animosity between them. The navy did not grudge the army anything it had. The proposed plan was well intended, and the Government were taking a step in the right direction. It would remedy some grievances, of which the hon. Member himself (Mr. Williams) complained. He thought the plan could not succeed, on account of the smallness of the additional pay. The plan being contingent on its acceptance by a sufficient number of officers, he presumed it was still open to revision. Was it intended that officers should forfeit their good service pensions, or give up their salaries as Queen's naval aides-de-camp?

Sir *C. Napier*, as a naval officer, returned his thanks to the Government for having at last given the navy such a large retiring allowance. It appeared from the very clear statement of the hon. Secretary to the Admiralty that it was utterly impossible for the service to go on in its present state. He did not agree with his hon. and gallant Friend, who had just addressed the Committee as to the disinclination of officers to accept the retiring pay. In point of numbers and amount of money, the plan was as much as the navy had at present a right to expect; but he thought there should be a juster division of the grant, in order to make it more acceptable to the old officers generally. If it were desired to remove the old admirals from the top of the list, they ought to be properly remunerated, or they would not give up their prospects of being appointed to the dockyards or other of our naval establishments. For the purpose of inducing them to accede to the plan, he would suggest that their pay should be 400*l.* a year instead of 364*l.* There was another thing he could not agree to—namely, that the limited list should be gradually reduced by recourse to the principle of promotion. If another promotion, such as that on the birth of the Prince of Wales, should take place, they would have to stop promotion

for four years altogether. If the vacancies were regularly filled up, it would be quite sufficient to keep the lists healthy. He thought also when they gave this promotion it ought to include all promotions for meritorious services. When it was said that these were one in three, he should be glad to know in what year that was. With respect to special vacancies, the First Lord of the Admiralty could make them when he pleased. The Paper wound up with a menace which he was sorry to see in a public document. He believed it would be impossible for the Government to make a selection. He wished the Government would take the opinion of the officers as to the relative merits of his and their proposition, and adopt that which they thought most advisable. The hon. Member for Coventry said it would be time enough to do this when we went to war. He said that would be too late, for a sense of honour would then prevent many disabled officers from retirement. However, he thanked the Government for this boon to the service, and all he asked for more was, that they would give it in a manner that would be generally acceptable.

Admiral *Dundas* considered the sum now proposed sufficient, but regarded the plan as unsatisfactory and abortive. It was said that the admirals' list was very large; but it was smaller by twenty than in 1800.

Sir *G. Cockburn* said, it was clear, for the reasons stated by the gallant Commodore, that if the list was to be cleared in this manner, it must be done in time of peace. With respect to the sum, it was a difficult thing to settle, some thinking it too much and some too little; but they had endeavoured to fix it at the proper amount as far as they could ascertain it. It remained to be seen how far the proposal would be acceptable to the service. If any other arrangement should be thought better, it would be open to the Government to adopt it. He thought it, however, too much to say that if it were adopted they ought in such cases as that which had lately occurred at New Zealand to be debarred from making special promotions. With respect to the objections made to this great scheme, he did not think them sufficiently important to prevent it. He had laid before the House the general principles on which it was based, but if minor alterations would give more general satisfaction, no doubt they would be made accordingly. He thought the proposition was a very liberal one, and hoped that it would give satisfaction, or at least that it would show the Government were inclined to afford, in time of peace, an honourable pretext of retirement to disabled officers. With respect to the good service pension, it was of course intended, notwithstanding this proposition, that any officer who possessed it should retain it.

Sir *R. Peel* said, he had well considered the subject, and was of opinion that the retirement of 100 captains, while it would be attended with a loss of money, would be no remedy for the evil. If they did anything, he conceived it would be better to submit to an increased pecuniary loss, and provide an effectual remedy in the retirement of 300 captains. Notwithstanding what had been said about the principle of seniority, he did think that in certain cases the Crown should have the power of availing itself of the services of distinguished men having the confidence of the Crown, irrespective of that principle. As a general rule, he admitted that promotion ought to be by seniority; but if the country was willing to submit to a pecuniary sacrifice, he must put in a claim on the part of the Executive Government, to consider whether an occasional departure from that rule, in such cases as that of Lord Nelson, who died a vice-admiral, might not be admissible, in giving to captains the rank of rear-admiral, and to rear and vice-admirals, that of admiral, accompanying the selection with every precaution, and with every guarantee to the profession of its being made on the ground of merit, and merit only.

Vote agreed to.

House resumed. Resolution to be reported. Committee to sit again.

WASTE LANDS (AUSTRALIA) BILL.] Mr. *G. W. Hope* moved the Second Reading of the Waste Lands (Australia) Bill. He had some important Amendments to introduce.

Mr. *C. Buller* objected to the Bill being pressed; he had understood it would not be pressed if objected to, and he could assure the hon. Gentleman it would be resolutely and vigorously opposed in every stage.

Mr. *Aglionby* said not one, but every interest, was opposed to the Bill. He

moved that it be read a second time that day six months.

The House divided on the Question, that the words six months be added:—Ayes 11; Noes 34: Majority 23.

Debate again arising.

Bill read a second time.

The House adjourned at half-past two o'clock.

HOUSE OF LORDS,

Thursday, July 31, 1845.

MINUTES.] BILLS. *Public.*—1ª. Municipal Districts, etc. (Ireland); Turnpike Roads (Ireland); Valuation (Ireland).

2ª. Coal Trade (Port of London); Customs Laws Repeal; Customs Management; Customs Regulation; Smuggling Prevention; Shipping and Navigation; Customs Duties; British Vessels; Warehousing of Goods; Customs Bounties and Allowances; Trade of British Possessions Abroad; Isle of Man Trade; County Rates; Stock in Trade.

Reported.—Joint Stock Companies (Ireland); Grand Jury Presentments (Dublin).

3ª. and passed:—Lunatics; Bonded Corn; Railways (Selling or Leasing); Real Property (No. 3); Fisheries (Ireland); Testamentary Dispositions, etc.; Compensations and Criminal Jurisdiction of Assistant Barristers (Ireland); Militia Pay; Stamp Duties, etc.; Masters and Workmen.

Received the Royal Assent.—Excise Duties on Spirits (Channel Islands); Unclaimed Stock and Dividends; Church Building Act Amendment; Militia Ballots Suspension; Jewish Disabilities Removal; Law of Defamation and Libel Act Amendment; Bail in Error; Art Unions; Geological Survey; Loan Societies; Foreign Lotteries; Highway Rates; Highways; Shrewsbury and Holyhead Road; Rothwell Prison; Turnpike Acts Continuance; Turnpike Trusts (South Wales); Drainage by Tenants for Life; Colleges (Ireland); Bishops' Patronage (Ireland); Unlawful Oaths (Ireland); Jurors (Ireland); Unions (Ireland); Spirits (Ireland); Drainage (Ireland).

Private.—1ª. Eastern Counties Railway (Cambridge to Huntingdon).

2ª. South Eastern Railway (Deal Extension).

Reported.—Duddeston and Nechells Improvement; Dublin Pipe Water; Grimsby Docks; London and Croydon Railway Enlargement; Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester and Grand Junction Railway Companies Amalgamation.

3ª. and passed:—Earl of Powis's (or Robinson's) Estate; Monmouth and Hereford Railway; South Wales Railway.

Received the Royal Assent.—Wear Valley Railway; Aberdeen Railway; Norwich and Brandon Railway (Diss and Dereham Branches); Bristol and Exeter Railway Branches; West London Railway Extension and Lease; Dundee and Perth Railway; Edinburgh and Northern Railway; Aberdare Railway; Clydesdale Junction Railway; Scottish Central Railway; Caledonian Railway; Newcastle and Berwick Railway; Edinburgh and Hawick Railway; London and South Western Metropolitan Extension Railway; Liverpool and Bury Railway (Bolton, Wigan, and Liverpool Railway, and Bury Extension); South Eastern Railway (Tunbridge to Tunbridge Wells); Gravesend and Rochester Railway; Newport and Pontypool Railway; Scottish Midland Junction Railway; Manchester and Leeds Railway; Wakefield and Pontefract Railway) Falmouth Harbour; Cromford Canal; Sheffield Waterworks; Saint Helen's Improvement; Bermondsey Improvement; Westminster Improvement; Tacumshin Lake Embankment; Saint Matthew's (Bethnal Green) Rectory) Morden College Estate; Hawkins's Estate; Earl of Onslow's Estate; Lord Monson's (or Countess Brooke and of Warwick's) Estate; Gildart's (or Sherwen's) Estate; Heaviside's Divorce.

PETITIONS PRESENTED. From Proprietors of Midland Railway, against the Running of Railway Trains on the Sabbath.—By Lord Cottenham, from Abergavenny, and numerous other places, for the Establishment of Local Courts.—From Charles Bristow Drought, Clerk, M.A., for Inserting Clause in the Drainage of Lands Bill, to dig for Water in Commons, with a fair Recompense to Lords of Manors and Land Proprietors.—From Jonas Dunn, and others, Solicitors of High Court of Chancery (Ireland), for Alteration of Law relating to Taxing Master, Court of Chancery (Ireland).—By Lord Redesdale, from Inhabitants of City of Westminster, and from several other places, for Postponing the Lunatics Bill, and for the Appointment of a Committee to Inquire into the past and present Condition of the Care and Treatment of Lunatics in England and Wales, whether Pauper or otherwise.—By Lord Campbell, from the Honourable Newton Fellowes, of Eggesford, Devon, and from Occupiers of Land in Eggesford and Chawleigh, for Amendment of Tithes Commutation Act.—By Lord Beaumont, from Charles Mott, of Haydock Lodge, Lancaster, a Licensed House for the reception of Lunatics, for Insertion of Clause in Lunatic Asylums and Pauper Lunatics Bill.—From Thomas Bradfield, for Repeal of 6th Section of 1st and 2nd Vict. Cap. 101, and to re-enact 55th Clause of 1st and 2nd Will. IV. Cap. 76., or to limit the present Coal Trade (Port of London) Bill, for one year only.

IRISH GREAT WESTERN RAILWAY—CASE OF JOHN STINTON.] Order of the Day for taking into consideration the Report of the Select Committee (made to the House on the 12th instant), respecting John Stinton, a witness, read.

The Earl of *Besborough* rose to call the attention of the House to a part of the proceedings before the Committee appointed to inquire into the alleged cases of fraud connected with the Dublin and Galway Railway. It was stated that fraudulent and false names had been signed to the contract deed, and, amongst others, by a person of the name of John Stinton. This appeared to be the case, from the evidence taken before the Committee; and he (the Earl of Besborough) was directed, on the 12th of July, to report the case to the House. On consideration, however, it was thought that this person might make some explanation before the Committee on the Bill with regard to this matter. Such, however, was not the case; he had, therefore, thought it to be his duty to place the matter before the House. Since he had entered the House, doubts had been expressed to him as to whether perjury had been committed or not. The noble Earl then proceeded to read the evidence of John Stinton before this Committee, in which he denied that he had ever passed by any other name in connexion with the Dublin and Galway Railway Company, or

that he had signed the deed of the Company more than once. A Miss Golding proved that Stinton had received letters at her residence, which were directed to a person of the name of Mr. Baldron, and that he had always passed in that name in her presence, and had opened the letters so directed. Stinton afterwards admitted that this was true, but denied that he had signed the deed more than once, or had affixed the name of Baldron to it. He admitted also that such a person as Penton did not exist. Mr. Stanley, a most respectable stockbroker, stated that he had seen Stinton, whom he knew as a jobber, sign the contract deed of the Company three times in one day, and that he had changed his dress on each occasion. This struck him as a remarkable circumstance; he could not, however, state whether this person had affixed another name than that of Stinton. Robert Parish, the porter of Crosby Hall Chambers, swore that he knew Stinton as a bootmaker in the neighbourhood, and that, at his request, he had taken in letters for him directed to Penton, which were always opened by Stinton. No person of the name of Penton ever had chambers at Crosby Hall. These were the facts of the evidence to which he wished more particularly to call attention.

The *Lord Chancellor* suggested that the noble Earl should point out the particular parts of the evidence on which he relied as the ground for prosecution.

The Earl of *Besborough* handed a copy of the evidence to the Lord Chancellor, and pointed out some particular passages in it, and then proceeded to read again to the House the passages in the evidence to which he had before alluded. He concluded by stating, that he had given notice of his Motion in the terms, that the Attorney General be directed to prosecute the party; but not being a lawyer, he would wish to leave the course to be pursued to the judgment of some of his noble and learned Friends near him.

Lord *Campbell* said, he would admit that he had not looked into the evidence until after he had come down to the House; but from his experience in criminal prosecutions, he would advise their Lordships to be cautious in adopting any particular course. He had no doubt but that this man Stinton had lied abominably, and that he ought to have been reported to their Lordships; but the question for them to decide was, whether the case admitted of a prosecution for perjury. The witness had told the Committee that he should acknowledge what he had before told them was false, but he added that he would then tell the truth. In a trial for perjury, the whole of the evidence would be laid before the jury; and the learned Judge would tell them, he had very little doubt, that the prisoner had not committed perjury in the eyes of the law, because in his supplemental answer he denied his false statement previously given, and his true statement was received. This principle of taking the entire evidence as one act was carried so far, that in Chancery causes, where a bill and afterwards a supplemental bill were filed, the answers to both were taken as one answer; and if the respondent denied in his second answer what he had stated in his first, he was not considered in law to be guilty of perjury. The case was clearly one which the Committee were bound to report to the House; but perhaps the course which they ought to have adopted was, to report that the witness had been guilty of equivocation; and then, if the shorthand writer's notes were read at the bar of their Lordships' House, no noble Lord would have hesitated about voting that the witness be committed to Newgate for equivocation; and he (Lord Campbell) would certainly have heartily concurred in such a Motion: but he did not think this was a case in which they could persecute for perjury.

Lord *Cottenham* said that, from what he had heard of the evidence, and the mode in which the witness had explained himself, he confessed he would feel some difficulty in coming to a final decision on the matter; but, if he were not mistaken, he believed the terms of the order which their Lordships would have to make, in a case where a witness had grossly misconducted himself, as this man obviously had done, would leave it to the discretion of the Attorney General to prosecute, if he thought fit so do to. Were the House to give a peremptory order in the matter, it would be tantamount to deciding as Judges in the case without a trial. Under similar circumstances, the Court of Chancery would not take any summary proceedings, but would refer the case to the Attorney General.

Lord *Campbell* said, while he had been Attorney General, several cases similar to the present were referred to him, and in every instance the orders of Parliament were of a peremptory nature. In the case of Stockdale, who was ordered to be prosecuted for a libel on the House of Commons, the Attorney General of the day very likely thought

it a foolish prosecution, but, from the terms of the order, he was compelled to file the information.

The Earl of *Wicklow* said, there was one point in the case to which he wished to direct the attention of the House. It was, that the Committee had told the witness to take care of what he was about, for if he perjured himself he would be liable to prosecution. No perjury had been committed, he believed, after that; and he thought the caution was intended as an intimation that the House would not prosecute him for what had previously occurred.

Lord *Monteagle* said, the Committee had reported on the 12th of July, and now, on the 31st of the month, their Lordships were required to come to a decision respecting the charge contained in that Report. There was no doubt but that the case was one which could not be passed over altogether. The offence was clearly a moral perjury, whether it happened to be a legal perjury or not. It was a perjury for the purpose of accomplishing a fraud, and deceiving their Lordships and the other House of Parliament; and such an offence could not be suffered to rest without any notice being taken of it. There was, however, no doubt, even if the individual were less ingenuous than he appeared to be, that he had had since then sufficient time to take himself out of the country; but after, by the recent decision of their Lordships respecting this Railway Bill (the Dublin and Galway), they had punished innocent persons for the faults of others, it would be contrary to every principle of justice were they now to allow one who was really guilty to go scot free. The course which he would recommend was, that the question should be referred to a Committee upstairs for half an hour, with instructions to report to the House what steps were necessary to be taken.

The *Lord Chancellor* said, he had never seen the evidence until it had been alluded to at the Table. He doubted very much whether they could proceed with a prosecution for perjury, under the circumstances. The witness stated that he had never passed as Baldron; and he afterwards explained what he had meant by that answer in this manner: he said he had often received letters addressed to the name of Baldron; but that he did not think that meant passing by the name. They could scarcely hope to assign perjury on that part of the evidence, with any probability of success. Again, the witness said he did not know Miss Golding; whereas it appeared afterwards that he had asked her to receive letters for him, and that she was the keeper of a public-house. It did not follow, however, that because he had been in the habit of seeing her standing behind the bar in a public-house, and had requested her to keep letters for him, that he should, therefore, know her name to be Golding. He thought the course suggested by his noble Friend (Lord Monteagle) to be the most judicious one they could take, as they ought to pay that mark of respect to the Report of the Committee, no matter what decision they might find it afterwards necessary to come to.

The Earl of *Besborough* said, he would beg leave to move that the Report of the 12th of July be referred to a Select Committee, with instructions to report to the House what steps it would be necessary to take with respect to John Stinton, reported to the House to have been guilty of perjury.

The *Lord Chancellor* said, they should allege on the indictment what the perjury was, and select from the evidence the particular passages on which they relied.

Lord *Monteagle* said, it might be supposed out of doors that the Committee had acted unjustly twards this person.

The *Lord Chancellor* said, the fact was quite the reverse. He had been himself of opinion that the witness had committed perjury, for which he could be prosecuted, until he came to look into the evidence.

Lord *Monteagle* said, lest any such supposition might exist, he would beg to read two of the questions and answers that had been given as an instance. In No. 405, the witness was asked, "Do you know William Baldron, silk throwster?—No." And again, in No. 489, the question was repeated, "Do you know William Baldron?—I do."

Motion agreed to.

TITHES COMMUTATION ACT.] Lord *Campbell* presented a petition on the subject of the commutation of tithes, and said that a very doubtful question existed whether, in cases where tithes had not been paid for many years, they were now really payable or not. Several actions had been brought to decide the point; but they had all proved decidedly abortive, and the Judges were, he believed, equally divided respecting it. It was, therefore, he thought,

absolutely necessary that there should be some further legislation on the subject, and the sooner it took place the better. Were it not for this point, he believed tithes would be commuted all over England before the present time.

The *Lord Chancellor* said, the subject was a very important one; and the conflicting opinions respecting it, only showed how lawyers would sometimes differ. He concurred with his noble and learned Friend, that the Act required some Amendments; and, if the matter were intrusted to his hands during the recess, he would take care to have steps taken respecting it, before the next Session of Parliament.

GREECE.] Lord *Beaumont* said, he would proceed to put to the noble Earl opposite (the Earl of Aberdeen) the question of which he had given notice on a former evening. It might be in the recollection of their Lordships, that when on a recent occasion, he had brought the affairs of Greece under their notice, and had ventured to state that the conduct of the Government at Athens was such as to call for some advice, if not more active interference, on the part of the Allied Powers, he had been met by the noble Earl with an assertion, that affairs in that quarter were not in so bad a state as had been believed; and that nothing had occurred which was of a serious nature. It might also be in the recollection of the House, that when, on the same occasion, he (Lord Beaumont) alluded to the disorganized state of society in the frontier districts of Greece, on the side of Turkey, and added that a regular system of brigandage was carried on by the subjects of Greece in that quarter, the noble Earl replied, by declaring that there had been only one isolated instance of robbery across the border, and that of so unimportant a character as not to deserve comment. He (Lord Beaumont) knew not if the noble Earl was better informed now, than he seemed to be then; for if he was not, he was sadly behind the rest of Europe in knowledge on this subject. The details of numerous incursions, some of which had been attended with bloody consequences, were well known both in London and Paris; the very names of the parties who headed these marauding bands were known, and many of the cases had been given at length in the German papers. While these events were daily occurring on the frontier, a no less disgraceful system was carried on in the interior; the regular forces had been disbanded, and the safety of the country entrusted to the Palikeri; neither order nor justice were respected in the internal administration of the country, and the peaceful continuation of its foreign relations was hourly endangered by the lawless conduct of the border population. Colletti and the Greek Government had taken no steps to put an end to this disgraceful state of things, unless the proclamation which had been issued might be considered as an exception, wherein the Government call on the population of the frontier districts to form themselves into a militia, for the purpose of suppressing the robbers who infest them—a measure which is more calculated to increase than diminish the evils complained of; for when the lawless character of the mountain population is considered, and the disorganized state of society throughout the country taken into account, the proclamation is neither more nor less than an attempt to put down robbery by giving arms to the robbers themselves. An officer named Valenza, of whose appointment to a command on the frontiers he (Lord Beaumont) had on a former occasion complained, had not been removed or reprimanded; although it was known that the noble Earl himself had objected to that officer's appointment, and even gone so far as to instruct Sir E. Lyons to request his removal. He (Lord Beaumont) hoped the noble Earl would be more explicit on the present, than he was on a former occasion; for his words had been actually construed into a positive approval of the Greek Government, and the noble Earl himself was mentioned as an abettor of Colletti. Different interpretations, it was true, had been given in different quarters of the noble Earl's speech; but the general impression in Athens itself had been, that the Foreign Office here was not inclined to cordially support Sir Edmund Lyons in his remonstrances, and the Greek authorities were consequently induced to look entirely to the French Minister for advice or countenance in their proceedings. Now, he (Lord Beaumont) hoped the noble Earl would lay aside his diplomatic reserve, and see the necessity of distinctly stating his sentiments with regard to the Government of Colletti, and no longer let any doubt be entertained of his opinions on the general condition of public affairs in Greece. It was most foolishly, as well as most wrongly considered abroad, that the interests of

France and England were at variance both in Greece and Turkey. Nothing could be more erroneous: the interests of the two countries were essentially the same in both quarters—their object was, or ought to be, identical. England and France alike were deeply interested in preserving the independence, integrity, and due influence of the Ottoman Empire, who was and could be the only safe keeper of the Dardanelles; for should the key of that gate be wrenched from her, and the opening and shutting the Dardanelles and Bosphorus be at the discretion of a northern Power, the trade and possessions of England and France in the Mediterranean would be at the mercy of Russia. In the like manner, our interests and those of France were identically the same in the smaller State of Greece. We were both interested in creating there an independent commercial community, totally unconnected with the great political questions which agitated the rest of Europe —a neutral spot in the Levant for the benefit of trade and commerce, and not an arena on which the rival jealousies of the greater Powers might deploy their political intrigues. Although the two countries required the same course of policy to be pursued for their mutual advantage, the Consuls of England and France in the East were generally at variance; and while a single glance at the map would convince any impartial person, that the objects of the two Governments ought to be the same, political parties in the Levant were invariably split into an English and French faction. This state of things must have been caused by the want of energy on the part of the authorities at home, and the consequent neglect in despatching proper instructions to their representatives abroad. Some portion of this unnatural state of hostility between the Consulates of England and France, might be attributed to a disposition on the part of the French Government to flatter the vanity of some of their servants, who sought to enhance their personal importance by arrogating to themselves the exclusive right to protect the Christians in the East. Now, he (Lord Beaumont) maintained, that the Porte should have the sole government of its own subjects; but should the Sultan, in consequence of the interpretation of some ancient or supposed agreement, delegate to the European Sovereigns authority, in certain cases, over those of his subjects who professed the Catholic faith, England should not allow France, or any other Power, to take a position thereby to the detriment of her interests; or permit the Consuls of these Powers to put themselves in advance of ours, on the plea of enjoying exclusively the privilege of protecting the Christians of a single sect. After a few other observations, the noble Lord concluded by putting the question of which he had given notice—namely, whether the Government had received any information of the state of the frontier between Greece and Turkey? And, if so, whether they had taken any steps to induce the Greek Government to adopt measures to prevent the continuation of the disgraceful state of things known to exist there? Also, whether the Government had not sent instructions to Sir Edmund Lyons, requiring him to demand of the Greek Government the dismissal of an officer or person named Valença; and what reply, if any, had been received to such demand?

The Earl of *Aberdeen:* I am ready to admit, my Lords, that the peculiarity of our relations with Greece may justify the noble Lord in bringing various matters under the attention of your Lordships in connexion with that country, which, under other circumstances, it would not be desirable to do, neither, indeed, would the noble Lord be justified in so doing. In the first place, this country has, in conjunction with France and Russia, created this State of Greece; we not only created it, but we guaranteed its independence and the integrity of its territories. This, therefore, gives us a right to take such precautions as not to render that guarantee more onerous than it necessarily ought to be. We have also guaranteed the payment of the interest of a loan contracted by the Greek State, which we have been called upon to discharge ourselves for the last two or three years. This, therefore, gives us undoubtedly a right to interfere so far in the internal affairs of this State as to see that we should be released from these obligations as rapidly as possible. And the Greek Government would do well to recollect that, by the provisions of the Treaty, we are enabled to enter into possession of such of the revenues of Greece as we think proper for the repayment of the debt so contracted; and they should consider that this is not a vain formality, but a right, the exercise of which must depend on the good faith of the Greek Government itself, and the endeavours they make to discharge the obligations under which they lie. But the noble Lord must recollect that although this is true, as a consequence of the rela-

tions in which we stand towards Greece, it may be carried to such an extent as to leave no shadow of independence whatever in the Government of that country. I am ready to admit that the present state of Greece, in many respects, is such as to give pain to all who wish well to the prosperity and welfare of that State. No doubt outrages have been committed; murders, robberies, and violence of various descriptions have been perpetrated, none of which can be compatible with a government of peace and order. I do not feel, therefore, that we are precluded from giving any such counsel and advice as we may think calculated to remedy these internal disorders; but I do not feel that I am called upon to give any opinion of the Government of Coletti, as required by the noble Lord. He may express any opinion which he may think proper; but it is not my province to give any opinion of the conduct of a Minister of a Foreign and friendly State; I give such advice on the part of Her Majesty's Government as we think likely to be useful; and I hope, notwithstanding what the noble Lord has said, that such advice is not without its salutary effect, With respect to what he said of the excesses committed on the frontier, I must repeat that there have been gross exaggerations on the subject. Unfortunately this frontier is inhabited by a race of men imperfectly civilized; and I am afraid I must admit that, if the Cretans are said to have been always liars, I believe the province of Greece has been always inhabited, more or less, by robbers—and this is a robber population. Unfortunately, the acts of which they are guilty are not regarded in the same manner as they would be by more civilized countries; it is a species of warfare which is looked upon almost with the same respect as legitimate warfare. Now, I do not deny that various outrages have taken place on the Turkish frontier, but that they have been carried to such an extent as has been described I utterly deny. On one or two occasions these small predatory bands have crossed over the boundary, and have been dealt with very properly but very severely by the Turkish troops, and several of them have met with what they richly deserved—the most severe treatment. Some of them have also been put to death by the Turkish troops. But to suppose for a moment that the Greek Government would either support or encourage such proceedings as those for the purpose of carrying on aggressions against Turkey, is perfectly incredible. True, they do not repress them, for they have not force sufficient to put them down; but what they are most desirous about, is to remove the overwhelming Turkish force which is assembled on the frontier. But that the Government of Greece, a country without any military force, should endeavour to provoke hostility on the part of the Turkish Empire, is perfectly impossible; and when coupled with the consideration, the declaration of the three protecting Powers of England, France, and Russia, that they would neither tolerate aggression on the part of Turkey on the one hand, nor Greece on the other, if such a notion as that alluded to is entertained by Coletti, or any other Minister in Greece, it would fully qualify him for a place in a lunatic asylum, did any such exist in his country. The noble Lord says that a certain person has been placed in command of the forces on the frontier, who ought not, in the noble Lord's opinion, to be so appointed. It is said that the man alluded to has been remarkable for having taken a conspicuous part in some transactions which occurred four or five years ago, and was mixed up with some excesses which were committed on the Turkish frontier. With respect to this man's appointment to a command also, there is another misrepresentation. I admit that it would have been more desirable not to have employed this man at all; but every one knows the difficulty which all Governments sometimes find in satisfying those parties who have claims upon them. Now, it was thought necessary to give this man an employment; but he is not in the command of any force whatever on the frontier. He is not on the frontier. I understand his command is thirty or forty miles from the frontier. And what is the force which this person commands, who is supposed to inspire terror into the Turkish empire? Why, he commands eighteen men; and they are not soldiers, but a species of local guard—of national and provincial guard. And it so happens—although I agree in the opinion that, considering the notoriety he has acquired, it would have been better not to have employed him at all—but it so happens that he is employed at his own home where he has a small farm, which he occupies and cultivates himself, and which unfortunately happens to be nearer the frontier than could be wished. But that he occupies any post that can excite

uneasiness on the part of the Porte, or the friends of the Porte, is really not the fact. I have given such an opinion as I thought I was called upon to give to the Greek Government respecting this person, and other matters connected with the state of the frontier; but I do not think it necessary to state to the noble Lord what these opinions are, or what the result has been. I have taken, and shall continue to take, all such measures as I think prudent and likely to be useful in establishing the tranquillity of Greece; because, after all, it is impossible to conceive that any Government—be it a Government of the worst Ministers possible—should have any interest in promoting a state of confusion, anarchy, and disorder. They may take erroneous means to arrive at the pacification of the country, but that must be their object at last; and, on the part of Her Majesty's Government, I undertake to say, that all such counsels will be given as seem likely to contribute to that result. The noble Lord has said something about English influence at Athens no longer existing, and that French influence is predominant. I am quite surprised that the noble Lord, who knows something of the East himself, should be carried away by these absurd statements. Supposing it is admitted that the Greek Minister is connected intimately with the French Minister, and acts by his advice, what can he do? How can he affect English interests? We have our Treaty with Greece, and that Treaty gives us all the advantages which any State can possess; and is it possible that the Greek Minister could hurt a hair of the head of a British subject, without the most signal redress being executed? What is the meaning of this influence which is spoken of? I say, that influence depends on the acknowledged power and disinterestedness of this Government; that it reposes also on the character of the people with whom they have to deal—the wealth, the probity, and activity of our merchants. And do not ten Englishmen go to Greece for one native of any other State? It is our own fault, then, if they do not derive from their experience of English travellers a better opinion of us than of any other nation. These are the real sources of influence; and I defy M. Coletti or the French Government either, if they wished it, to weaken or destroy English influence in Greece in the only way in which it ought to exist, or in which we ought to desire it to exist. I have not found the slightest diminution of English influence in Greece. Quite the contrary; on every occasion which has arisen, there has been proof that it existed quite as much as we could possibly desire. But, I repeat, it has been the curse of that country, that parties there have endeavoured to create what is called an English party and a French party, or a Russian party; and that they have not thought only of a Greek party, for that is the only party we ought all to unite in supporting. And the Governments do not entertain any such different views of the matter: the whole arises from the over zeal of persons on the spot, and a morbid desire of popularity and of meddling with the affairs of the country. My Lords, I must decline to state more particularly the nature of the advice which I have thought it my duty, on the part of Her Majesty's Government, to give to the Greek Government; but I have before said that, from the situation in which we are placed in relation to Greece, I consider that we are fully justified in that sort of interference which we believe to be necessary for the purposes to which I have alluded.

Lord *Beaumont* thought the speech of the noble Lord was more satisfactory than that which he had before delivered on the same subject; and he hoped the consequence would be a happier result, which he confidently anticipated from the firm tone which the noble Lord had assumed.

Coal Trade (Port of London) Bill.] The Earl of *Dalhousie* moved the Second Reading of this Bill.

The Marquess of *Londonderry* could not allow the Bill to pass without expressing his opinion on the subject. Coal was almost the only article imported into the port of London that was so grievously taxed. In 1840, the city of London gave up the coal tax to the Government. The annual revenue in that year was 125,000*l.*; in 1841, it increased by 20,000*l.*; in 1842, by 10,000*l.*; and in 1843, by 5,000*l.*; in 1844, there was a strike amongst the colliers, and the revenue decreased by 3,500*l.* For the half of the present year, however, it had increased so as to make the average 165,000*l.* from the present tax. As there had been so great an increase, and as it was likely to continue, he wanted to know why it was necessary to put a tax of an additional penny on this necessary of life? and why, too, coals alone were to be taxed for metropolitan improvements? He contended that the noble Earl who had brought the matter

forward in the other House, knew nothing of the subject, and that the tax fell upon the coalowner, and not upon the poor or the consumer. The trade was already unjustifiably oppressed; and in a future Session some relief must be given, or extensive ruin would ensue.

The Marquess of *Westminster* supported the Bill, and thought the proposed improvements in London and its vicinity, effected by means of it, would, on the whole, be highly beneficial.

After a few words from the Earl of *Dalhousie*, and an explanation from the Marquess of *Londonderry*,

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS.

Thursday, July 31, 1845.

MINUTES.] [NEW WRIT. For the Stewartry of Kircudbright, *v.* Alexander Murray, Esq., deceased.

BILLS. *Public.*—1°. Exchequer Bills (£9,024,900); Consolidated Fund.

Reported.—Slave Trade (Brazil); Waste Lands (Australia).

3°. and passed:—Valuation (Ireland); Turnpike Roads (Ireland).

Private.—1°. Earl of Powis's (or Robinson's) Estate.

Reported.—London and Norwich Direct Railway.

3°. and passed:—White's Charity Estate; Rochdale Vicarage (or Molesworth's) Estate.

PETITIONS PRESENTED. By Sir R. H. Inglis, from Proprietors of the Midland Railway, for Better Observance of the Lord's Day.—By Mr. W. Gladstone, from Charles Miller, for Amendment of Law relating to the Rating of Tithes.—By F. Scott, from Port Phillip, for Separation of that District from Government of New South Wales.—By Mr. M. J. O'Connell, from several places, for Repeal of Charitable Donations and Bequests (Ireland) Act.—By Mr. Hawes, from Talybout, and Amlwch, for Establishment of County Courts.—By Mr. Wyse, from Charles Byrne, for Inquiry.—By Mr. Wyse, from several places, for Encouragement to Mechanics' Institute (Ireland).

CEYLON.] Mr. *Tufnell* wished to put a few questions on the subject of Ceylon to the Under Secretary of the Colonies, in consequence of the numerous representations that had been made to him, since the debate of Friday last, from the friends and connexions of the civil servants of that Colony; amongst whom the conduct of the Government had produced the greatest anxiety. He asked, first, at what period the six months were to commence, during which the civil servants were to make their election, either to retain their offices or their lands? Whether the term of two years for the disposal of the landed property was definitely settled? And, lastly, which was of the greatest importance, whether civil servants might be allowed to retain their lands, provided they gave up the active management. He hoped that he should receive a definitive answer upon these points; and that, after what had already passed, as little as possible would be left to the discretion of the Governor of that Colony.

Mr. *G. W. Hope* said, that the civil servants of the Government, in Ceylon, would be afforded the fullest information without delay; and they should have had that sooner but the Governor was obliged to wait until he obtained some detailed information from England. The time of election had been extended from six months to a year, and the time allowed for the disposal of property was fixed at two years. With regard to the third and most important question put by the hon. Member (as it was necessary to wait for some information from Ceylon) still he thought an arrangement might be made which would prove satisfactory to the civil servants. He was happy to add that the dissatisfaction which prevailed at the first issuing of the Minute had much diminished.

Mr. *Tufnell* felt great satisfaction at hearing the answer of the hon. Gentleman, and he had only to add that he hoped as little as possible would be left to the discretion of the Governor of Ceylon.

Mr. *Hope* said, he had reason to believe that the dissatisfaction which had been expressed in Ceylon had, in a great degree, subsided.

SLAVE TRADE—BRAZILS.] Sir *Robert Peel* moved the Order of the Day for receiving the Report of the Slave Trade Brazils Bill.

Mr. *M. Gibson* wished to make one or two remarks before this stage of the Bill had passed; and in addition to these, he was desirous of putting a question to the right hon. Baronet at the head of the Government with respect to the Bill. He had given the measure the fullest consideration, and he had looked to the opinions of those who were competent judges, and he was unable as yet to regard the measure in a favourable light, in any point of view in which he regarded it. It appeared to him very questionable whether, according to international law, they could make the provisions of the Bill binding on Brazilian subjects; and if it were, he did not think that it was calculated to assist the course of policy which we were desirous of carrying out with respect to the Slave Trade. It seemed to him to be a dangerous doctrine to set up proclamations instead of law. It

appeared to him to be a dangerous doctrine to make the *dictum* of the Executive Government—of the temporary advisers of the Crown—equivalent to the effect of law; and he did not think that the subjects of another country ought by such a *dictum* to be dealt with and punished for a crime which the law and tribunals of their own country had not declared to be a crime. There was no law in the Brazils which declared the Slave Trade to be piracy, and the Government of this country knew that there was no such law. How then could we consistently pass an Act, the object of which was to punish Brazilian subjects to a degree to which they would not be punishable in their own country, and for an offence which the laws of their own country had not declared that they ought to be so punished. Another question arose which it was most desirable to have answered by the Government before they passed this Bill, namely, whether we had power to inflict punishment upon Brazilian subjects for an offence against our laws, they having no such law; and he confessed himself to be still at a loss to understand the explanation which the Attorney General had given on the last occasion when this subject was before the House. The policy of such a course as this appeared to him to be fatal to a good understanding with Brazil, and to be quite opposed to the object with which it was introduced, of inducing in the public opinion of Brazil an opposition to the Slave Trade, and a desire for its abolition, as it was rather calculated to excite hostility in Brazil to our exertions, and become dangerous to the interests of British subjects and to British trade in the Brazils. It appeared to him also that it was calculated to prevent the co-operation of Brazilian subjects in our exertions, which co-operation, it would seem from Papers that had been laid on the Table of the House, might have otherwise been expected, as measures were in progress in Brazil to put an end effectually to the Slave Trade. That was an additional reason why they should have abstained from a measure of such bad policy as this, and he therefore felt it his duty to enter his protest against the measure. He begged now to make the inquiries of which he gave notice. He wished to know whether the Brazilian Minister in this country had addressed to Her Majesty's Government any remonstrance or communication relative to this Bill? If such a communication had been received by the Government, he thought that the House was entitled to see the communication or remonstrance, and that it should be laid before Parliament. He thought that as they were called upon to share in the responsibility of the Executive, the Executive Government should place the House in the same position in which they stood themselves—and should have a full opportunity of judging both of the law and the policy of this measure. He would ask the right hon. Baronet, then, if a remonstrance had been received, and, if it had, whether he could lay it on the Table of the House? If it was received, why should they not delay this measure till they had printed this remonstrance or communication? The Report was brought up on Monday last, and the matter was postponed till this day, and he was not chargeable with that delay. He did think that they should not be acting properly, and that they should not be doing what was required, if they acted without the fullest information. He would conclude by requesting Her Majesty's Government to inform them whether they had received that information.

Sir *R. Peel* thanked the hon. Member for having given him an intimation of his intention to ask this question. He was quite confident that the hon. Member would not take advantage of the late period of the Session to defeat this measure. It was true that he postponed the Bill on a former occasion, in order to have an opportunity of maturely weighing a suggestion of an hon. Member, by whom no suggestion could be made which would not be worthy of attention. He had postponed the Bill till that day in order to have an opportunity of further deliberation, and having the opinion of the highest authority upon the subject; and he hoped that the delay caused in that manner would not prejudice the measure at this period of the Session. He could assure the hon. Gentleman that he had given the most mature consideration to the Bill; and that, having, in addition to that, taken the opinion of the highest authority on the subject, his opinion remained unaltered with respect to it. According to the opinion of that authority to which he had referred, under the First Article of the Convention of 1826, the Sovereign of this country might consider the carrying on of the Slave Trade, on the part of Brazilian subjects, an act of piracy. The First Article of that Convention was to the effect, that after the expiration of three years, to be reckoned from the exchange of the rati-

fications of the Convention between the two nations, it should not be lawful for any subject of the Emperor of the Brazils to be concerned in carrying on the African Slave Trade, under any pretext, or in any manner whatsoever; and that carrying on the Slave Trade after that period, on the part of subjects of His Brazilian Majesty should be deemed piracy, and treated as such. There was not in that Convention any obligation on Brazil to pass a municipal law to make the offence of carrying on the Slave Trade piracy. Carrying on the Slave Trade could not be piracy by international law, as they would see, if they recollected that this country had carried on the Slave Trade at no very remote period. The simple act of carrying on the Slave Trade was not, therefore, piracy by international law; but the carrying on of the Slave Trade had been made by various other countries piracy under municipal law, when that trade was carried on by the subjects of the country so passing the law; and the United States was the first of those countries to which the honour of passing that law belonged. The United States passed a law in 1824, by which the Slave Trade was declared piracy, and the subjects of the United States rendered liable to the punishment of piracy under the municipal law of that country. Thus, the countries which had so made the Slave Trade piracy, under their municipal law, had the power to punish their own subjects for carrying on that trade; and at that time a new description of piracy was created between the United States and Great Britain. Under the Convention with the Brazils in 1826, this country had a right to take cognizance of the carrying on of the Slave Trade by Brazilian subjects subsequent to the year 1830; for under that Convention Brazil declared it to be piracy on the part of the subjects of the Brazilian Government. By the Convention of 1817 with the Brazils, a mutual Right of Search was agreed to; and whilst that was in force, it suspended the Article in the Convention of 1826; but by the abrogation of the Convention of 1817 in 1845, the Article in the Convention of 1826 was brought into full force, and remains now in full force, between this country and the Brazils, the Brazilian subjects who carry on the Slave Trade being, by that Article, declared guilty of piracy. The hon. Gentleman said, that the Brazils had passed no law to make it piracy, and inferred, therefore, that so long as the Brazils passed no law to make the carrying on of the Slave Trade by Brazilian subjects piracy, Great Britain had no right to interfere with them. [Mr. *M. Gibson*: I said, no right to pass an Act of this kind.] Of what kind? The Government of the Brazils had avowed the fact which this country maintained, that carrying on the Slave Trade was piracy, and had entered into a solemn engagement that all its subjects who were found carrying on the Slave Trade should be held guilty of piracy. If that was not the mode of effecting the recognition of the Slave Trade as piracy, what other mode would they adopt? He relied on the common sense of the House in supporting him in the statement, that unless this country took cognizance, in some way or another, of the carrying on of the Slave Trade by the subjects of the Brazils, the stipulation would be of no use. Piracy was not a crime merely against municipal law; and the hon. Member, of course, knew that, by international law, piracy was punishable by all nations; and when a country, in a Convention, declares an act to be piracy, it gives not to all countries, but to that particular country with which it formed the Convention, in which such declaration was contained, a power to deal with the act so described as an act of piracy. If this country were prepared to take no measure in relation to the Convention, it was quite clear that the Slave Trade might be carried on to an unlimited extent under the Brazilian flag; and, according to the hon. Gentleman's opinion, this country would have no power to interfere. It was impossible to say to what extent the abominable crime of slave trading might be carried on, if Parliament separated without establishing a power to prevent it. He would now refer to the view which the Government of the Brazils took of the power of this country to recognize slave trading on the part of the Brazils. In the year 1829, the Brazilian Minister applied to this country to do away with the Courts of Mixed Commission which were constituted under the Convention of 1817. He made this request on grounds of considerable importance to this question. On the 4th of October, 1830, the Chevalier De Mattos, then the Brazilian Minister in this country, addressed the following letter to the Secretary for Foreign Affairs:—

"*Wimpole-street, October* 4, 1830.

"The Slave Trade on the coast of Africa being totally forbidden to Brazilian subjects

from the 13th of March last, and those who shall hereafter engage in it being liable to punishment, in virtue of the stipulations of the Treaty of the 23rd of November, 1826, by the ordinary tribunals of the two high contracting parties, the Undersigned, &c., has been directed by his Government to concert with that of the King the dissolution of the Mixed Commissions established at Sierra Leone and Rio de Janeiro, now entirely superfluous. In consequence of which, the Undersigned has the honour to request his Excellency the Earl of Aberdeen, &c., to be pleased to take the proper measures for carrying the above resolution into effect, with regard to the Commission at Rio de Janeiro, at the end of the next month of December; and in respect of the other, on the 30th of June, 1831, the term at which all the causes pending in the Commision of Sierra Leone must be completely decided. The Undersigned avails himself, &c.

"The Chevalier DE MATTOS.

"His Excellency the Earl of Aberdeen, &c."

England had already provided that her subjects engaging in this trade should be treated as pirates, and be tried by the municipal law. This letter of the Chevalier, therefore, only amounted to a statement that Brazilian subjects were then placed in the same position; and the words of the Chevalier, "by the ordinary tribunals of the two contracting Powers," directly implied that the Brazilian Government thought it unnecessary then to keep up the Mixed Commission Courts, because the ordinary Courts of Admiralty were sufficient. The Brazilian Government also asked that slave ships of theirs, which might have left the coast of Africa, and were not aware that the Convention had been executed, should be exempted from its operation. The English Government, although averse to allow the Slave Trade to continue one hour longer than was necessary, consented that vessels which had quitted the coast of Africa before the 13th of March, 1830, should be allowed to proceed to any port in the Brazils without being subject to be treated as pirates on their way. On the 4th of November, 1829, the Brazilian Government published a Proclamation stating the result. It ran thus:—

"Notice to the Assembly of Commerce, Agriculture, Manufacturers, and Navigation of the Empire of the Brazils, by a Portaria of the following tenure:—

"The Chargé d'Affaires of this Empire, near the Government of His Britannic Majesty, having succeeded in the measures which had been most earnestly recommended to him by this Secretary of State's Office for Foreign Affairs, in order to obtain a reasonable term for settling the affairs on the coast of Africa, which are still pending, relating to the lawful traffic in slaves, the said Chargé d'Affaires has obtained, by a note of the 16th of September last, from the competent Minister and Secretary of State, the Earl of Aberdeen, the assurance that the British Government was about to issue instructions to the commanders of naval forces, and to the respective authorities, informing them that the Slave Trade, conformably to the agreements existing between Great Britain and Brazil, shall be lawfully continued by the subjects of this Empire on the coast of Africa, until the 13th of March, 1830; and, consequently, that those Brazilian vessels, employed in that traffic, which can prove that they have finally left the coast of Africa on or before that period, shall prosecute and finish their *bonâ fide* voyages direct from Africa to any port in the Brazils, without incurring the liability of being treated as pirates, according to the Convention, notwithstanding their being met with at sea after the said period of the 13th of March, 1830. His Majesty the Emperor ordains, that this notice be communicated by the said Secretary of State's Office for Foreign Affairs to the Assembly of Commerce, Agriculture, &c., in order to give it due publicity.

"Marquis of ARACATY.

"Rio Janeiro, November 4, 1829."

This was sufficient proof that the Brazilian Government knew that their vessels were liable to be treated as pirates if found at sea after the 13th of March, 1830. The construction put on the Convention by the British Parliament was precisely similar. The power of the Vice Admiralty Courts over such acts of piracy had been superseded by the Courts of Mixed Commission, and this Bill contained a clause to remove any restriction of the jurisdiction of the Vice Admiralty Courts by the Convention; it gave to the Vice Admiralty Courts that power which Lord Stowell was of opinion they ought not to have in cases of piracy, and it also declared they were to have that power. They did not ask for any unnecessary power—they merely declared a power to deal with property, not to deal criminally in those cases with Brazilian subjects, and there was, he could assure the hon. Member, nothing inconsistent with the law of nations in the Bill as it stood. The choice was, in fact, between treating the Slave Trade, carried on by the Brazilians, as piracy, or permitting the Brazilian Slave Trade to be carried on to an unlimited extent, or the Brazilian flag from being used by others for the purpose of carrying on the Slave Trade. He should have

thought, on the part of the Government and the Crown, that they were grossly neglecting their duty towards the House if they had not made this proposition. When he recollected the addresses which, within the last few years, had been unanimously presented by the House to the Crown, urging it to enforce, by every means at its disposal, existing stipulations with respect to the Slave Trade, he should have thought the Crown and the Government guilty of great neglect towards the expressed wishes of the House if they permitted Parliament to separate without demanding from it merely this, that the jurisdiction of the Vice Admiralty Courts, which had been destroyed by Parliament, should be re-established, when the necessity for their re-establishment had arisen. He had the strongest confidence that this Bill was in conformity with the principles of the law of nations, whilst it was the mildest measure to which they could resort, in order to claim from the Brazilian Government the performance of the stipulations entered into by this country with that Government, not to further the commercial prosperity of this country, but contracted with a view to the interests of humanity, and for the purpose of throwing difficulties in the way of a traffic which constituted the greatest existing blot on civilized nations. With respect to the question put to him by the hon. Gentleman, the Brazilian Minister did, on Monday last, present a protest against this measure. The hon. Gentleman asked him to lay this protest before the House. He certainly could not permit the document, which had been received by his noble Friend, to be an obstacle in the way of passing this measure, on the necessity of which they were nearly all agreed. He was unwilling also to present the protest referred to, without, at the same time, presenting the answer to it. He trusted, therefore, that the hon. Gentleman would be contented with the assurance that these documents would be included in the whole correspondence, which, when in a complete state, would be laid before the House, and that the hon. Gentleman would not seek to avail himself of his willingness to give the information sought for as a reason why there should be any delay with regard to the present measure. He trusted, that the Brazilian Government would soon permit us, as Portugal had done, by entering into a Convention, giving a mutual Right of Search, to repeal the present Treaty between the two Powers, and revive between them, instead thereof, something in the nature of a mutual Right of Search.

Report brought up.

Sir *R. Peel* moved an additional clause.

On the Question that it be read a second time,

Mr. *Hutt* said, he looked upon this Bill as of an important character, and as a measure dealing with a very difficult and delicate subject. If it should hereafter appear, that we had not a sound and legal basis for our proceedings, difficulties should arise from this measure, and they be referred for adjustment, as other difficulties had been, to a foreign Sovereign, if that foreign Sovereign should decide that we were in the wrong, he was sure that such a result would be contemplated by every one in that House with feelings of the deepest regret. He doubted very much, if we were not proceeding, in regard to this measure, somewhat too fast. When the right hon. Baronet stated, that persons of the highest legal authority concurred with him in the view which he had taken of the Treaty of 1826, he very much doubted whether the right hon. Baronet had good ground on which to stand; and if he had not known that the views which he entertained were the views of men better qualified than he was to judge upon the subject, he would not have ventured to say a single word upon the present occasion; but, fortified as he was with the opinions of others, whose opinions he thought entitled to deference and respect, he would venture to suggest whether we might not now be proceeding rather precipitately. The right hon. Gentlemen called their attention to the First Article in the Treaty. There were two points in that Article. The first was, that the two countries should consider the Slave Trade as unlawful; and the second, that Brazilians engaged in that trade should be deemed and treated as pirates. He should have supposed that the natural construction of this Article was, that those found so employed should be deemed and treated by their own Government as pirates, subject to the penalties laid down by their own municipal laws. The executive authorities of the two countries entered into this Treaty. If, by such a Treaty, the subjects of Great Britain,

engaged in piracy, should be handed over to the Brazilian Government, to be dealt with according to Brazilian laws—[Sir *R. Peel:* This Treaty was a marked and peculiar one. It was a unilateral Treaty. It did not make British subjects punishable for piracy. The First Article provided that Brazilian subjects engaged in the Slave Trade should be deemed guilty of piracy.] He was well aware that such was the nature of the Treaty. But suppose we had undertaken to hand over our own subjects concerned in the Slave Trade to the authorities of the Brazils, to be dealt with according to their laws. Now, by the laws of most countries, he believed that piracy was made punishable with death. By a recent Act of the British Legislature, they had, in certain cases, remitted capital punishment as the penalty for piracy. Were they prepared to contend that the British Crown, the executive authority of this country, could hand over a British subject to the Brazilian authorities, to be subjected to penalties in the Brazils, which the laws of his own country would not permit the Government to enforce against a British subject? But if they permitted the Brazils to treat British subjects concerned in the Slave Trade as pirates, and if the municipal laws of that country should be allowed to pronounce against them as such the penalty of death, the Government would then be doing nothing more nor less than handing over British subjects to undergo, in another country, such penalties as the Legislature of their own country had declared that they were not liable to. The Government, by this Bill, asserted a right to treat, to a certain extent, in like manner the subjects of the Brazils in this country—a right which they could not possess in regard to Brazilian subjects, unless they could confer the same upon the Brazils in regard to British subjects. If the constitution of this country conferred upon them the power of thus handing over British subjects to be dealt with according to Brazilian laws, although those laws should conflict with the laws of their own country, it was a subject which deserved their deepest consideration. Such a power appeared to him in every way repugnant to a constitutional government. Lord Aberdeen stated that he was prepared to enforce the law against the persons of Brazilian subjects engaged in the Slave Trade, treating them as pirates. The right hon. Baronet did not ask such a power, and seemed to doubt very much whether he had any ground for making such an appeal to Parliament, and whether such a power would be conformable to the provisions of the Treaty. He regarded the present measure as in every respect a pernicious one, and as a measure by which, instead of securing, we should defeat our own objects. We should have called upon the Brazilian Government to pass a law dealing with the Slave Trade as piracy. If they had refused to pass such a law, Great Britain might have treated their refusal as a *casus belli*. He felt assured that this Bill would effect no good whatever, and that the attempt to check in this way the Slave Trade, would only aggravate the evils which we were so anxious to eradicate.

Captain *Pechell* thought that this Bill introduced a new principle in dealing with all vessels equipped for the Slave Trade, and which were to be adjudicated upon by our Vice-Admiralty courts.

Clause read a second time and added to the Bill; to be reprinted and read a third time.

GAMES AND WAGERS.] The Games and Wagers Bill was read a third time.

Mr. *Hume* moved an addition to the 13th Clause, that costs should be allowed to informers, as between attorneys and clients, in all actions that were suspended under the operation of this Bill.

The House divided on the Question, that the words be add d to the Bill:—Ayes 10; Noes 44: Majority 34.

List of the AYES.

Baine, W.	Villiers, hon. C.
Cobden, R.	Wyse, T.
Dennistoun, J.	Yorke, H. R.
Gibson, T. M.	
Hawes, B.	TELLERS.
Pechell, Capt.	Hume, J.
Smith, B.	Warburton, H.

List of the NOES.

Arkwright, G.	Cripps, W.
Ashley, Lord	Dodd, G.
Baring, rt. hn. W. B.	Douglas, Sir H.
Barnard, E. G.	Duckworth, SirJ.T.B.
Bennet, P.	Escott, B.
Bodkin, W. H.	Fitzroy, hon. H.
Borthwick, P.	Fremantle, rt.hn.SirT.
Broadley, H.	Gardner, J. D.
Cardwell, E.	Gaskell, J. Milnes
Corry, rt. hn. H.	Gordon, hon. Capt.
Courtenay, Lord	Goulburn, rt. hn. H.

Graham, rt. hn. Sir J.	Peel, rt. hn. Sir R. J.
Greene, T.	Pringle, A.
Grimston, Visct.	Scott, hon. F.
Hamilton, W. J.	Smith, rt. hn. T. B. C.
Henley, J. W.	Spooner, R.
Hope, G. W.	Sutton, hon. H. M.
Jones, Capt.	Thesiger, Sir F.
Kelly, F. R.	Trench, Sir F. W.
Lincoln, Earl of	Verner, Col.
M'Neill, D.	
Meynell, Capt.	TELLERS.
Nicholl, rt. hn. J.	Young, J.
Pakington, J. S.	Baring, H.

Bill passed.

WASTE LANDS (AUSTRALIA). On the Motion that Mr. Speaker do now leave the Chair, for the House to resolve itself into a Committee on the Waste Land Australia Bill,

Mr. *Hawes* observed that the Bill seemed to proceed on the assumption that there was a redundancy of convict population, and that it was necessary to find profitable employment for them. How was it that a Colony with so much redundant labour, and having such abundance of good land, should be in a state of distress? How could they account for this anomaly? And what was the remedy here proposed? The repeal of an Act of Parliament, the policy of which nobody had ever questioned. It was the most unnecessary piece of legislation he had ever seen. It stood self-condemned, and if he could get a seconder, he would divide against the Bill. He moved that the House will on this day month resolve itself into the said Committee.

Mr. *Warburton* would second the hon. Member.

Mr. *Robert Scott* supported the measure, which, he said, was brought forward to assist a most deserving class of persons in a distant Colony. The opposition had arisen from the monopolising jealousy of the New Zealand Company.

Mr. *Hume* said, the present measure had nothing whatever to do with New Zealand. He should vote against the Bill, and condemned the policy of the Government towards our Australian Colonies, as calculated to retard the prosperity of those Colonies, and stop emigration.

Mr. *Pakington* supported the Bill, and urged upon the Government the necessity of providing more effectual religious instruction for the emigrants. The Government had granted 30,000*l.* for religious instruction in New South Wales; but that was not sufficient, while in Port Phillip and other distant settlements no means existed for the relief of religious destitution. He thought some portion of the funds derived from land sales should be devoted to the purposes of public worship and religious instruction in those distant Colonies.

Mr. *G. W. Hope* defended the Bill, the effect of which would be to provide profitable employment for the redundant labour of the Colony. Six thousand convicts had been employed at the charge of this country, in works of irrigation and other public works, by which the value of the lands in the Colony had been increased; and it was no more than common justice, therefore, that in the benefit derived from the sale of the waste lands, the means of reimbursing ourselves for that outlay should be allowed. Another advantage which would result from the measure was, that it would give to the stockholders of New South Wales a tenure on better terms than that they now enjoyed. With regard to the suggestion of his hon. Friend the Member for Droitwich (Mr. Pakington), he could assure him that the Government was as anxious as he could possibly be to provide for the spiritual destitution of the inhabitants of these Colonies; but they felt that if to effect that object they proceeded in opposition to the feelings of the colonists, they would do more harm than good.

Mr. *Milner Gibson* would support the Amendment were it pressed to a division. The Government would not allow the settlers to bring their produce to the best market. As to the speech of the hon. Member for Droitwich, he thought it was very much out of place. It was food and clothing that the settlers wanted rather than spiritual instruction.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 35; Noes 7: Majority 28.

List of the AYES.

Arbuthnott, hon. H.	Denison, E. B.
Ashley, Lord	Dick, Q.
Baring, rt. hn. W. B.	Douglas, Sir H.
Barnard, E. G.	Fitzroy, hon. H.
Bennet, P.	Gladstone, rt. hn. W. E
Bodkin, W. H.	Goulburn, rt. hon. H.
Borthwick, P.	Graham, rt. hn. Sir J
Corry, rt. hon. H.	Greene, T.
Cripps, W.	Henley, J. W.
Darby, G.	Hope, G. W.

Lincoln, Earl of	Smith, rt. hon. T.B.C.
McNeill, D.	Spooner, R.
Nicholl, rt. hon. J.	Stuart, H.
Packe, C. W.	Sutton, hon. H. M.
Pakington, J. S.	Thesiger, Sir F.
Peel, rt. hon. Sir R.	Trench, Sir F. W.
Polhill, F.	TELLERS.
Pringle, A.	Cardwell, E.
Scott, hon. F.	Young, J.

List of the NOES.

Cobden, R.	Warburton, H.
Escott, B.	Yorke, H. R.
Gibson, T. M.	TELLERS.
Norreys, Sir D. J.	Hawes, B.
Villiers, hon. C.	Hume, J.

House went into Committee.

On Clause 12,

Mr. *Hawes* protested against the Bill, which was in the teeth of their Governor's recommendations, and inefficient in itself. They were going to great and unwarrantable expenses for the sake of their convict population, at the time that they would not open to the produce of the Colony the only market accessible to it.

Sir *James Graham* said, that the convicts had been employed at the expense of this country in cultivating lands in the Colony. These lands had afterwards been sold, one half of the proceeds being devoted to the promotion of emigration. As, however, the supply of labour had began to exceed the demand, it was now proposed to devote the produce of the sales to the expenses of the Colony, with a view of reducing the general taxation in this country.

The clauses agreed to.

The House resumed.

On the Motion that the Report be brought up,

Mr. *Villiers* said, that were the Government to resolve upon a measure admitting Australian corn into this country, he was sure that his hon. Friend the Member for Lambeth would withdraw his opposition to the present Bill. Considering the great change which had come over the opinions of country gentlemen, he did hope that they would make some demonstration of their readiness to acquiesce in so reasonable a measure.

Bill reported.

THE LATE FIRES IN QUEBEC.] The *Chancellor of the Exchequer* rose to move the Address of which he had given notice, praying that Her Majesty would grant a sum not exceeding 20,000*l.* for the relief of the sufferers by the late fires at Quebec. In moving a Resolution to this effect, he was sure that he would only be doing that which would be strictly in unison with the feelings of the House. He need not attempt by any powers on his part to induce them to perform an act of kindness and of policy to which he was sure they would be most ready to assent. The calamity with which they had to deal was one of a most extensive nature. He was unable to give to the House those details which must be so interesting to all who were disposed to concur in the Resolution he was about to move, but the facts of which he was aware were these:—On two several occasions—on the 28th of May, and again on the 28th of June—fires broke out in different places in Quebec, the conflagration on the first occasion lasting from eleven o'clock in the morning until ten o'clock in the evening; on the other from twelve o'clock at night until eight o'clock the next morning. And although he did not know how many dwellings had been destroyed by the two calamities, yet with respect to the last of them he was informed that upwards of 1,200 houses had fallen a prey to the flames. And as the duration of the second fire was about the same as that of the first, he presumed that they could not expect that any smaller number of houses were upon the occasion of the first unfortunate occurrence destroyed. They were also aware that the fires took place in that part of Quebec inhabited by a poor and labouring population, and, therefore, the sufferers were those who were least able to provide for themselves the means of repairing the calamity which had fallen upon them, and which had entailed the loss of great part of their little property, leaving them in a state of the greatest destitution. He was happy to state that every possible exertion had been made upon both occasions by the troops stationed at Quebec, and by the officers commanding them, in order first to arrest the flames, and then to afford succour to the sufferers. There was but one feeling of zeal and interest displayed by the military, and he believed that it was mainly owing to their unremitting exertions that the calamity had not proved more extensive than it did. Every effort, too, he was bound to say, had been made by all persons in authority to afford relief to the sufferers, in providing for those who found themselves homeless, some temporary accommodation. The Governor of

the Colony had come forward with the view of providing shelter for the unfortunate persons in question; and he felt, upon an occasion of this sort, independent of the calls of humanity, that it was most consistent with good policy to show that when our fellow subjects proceeded to distant Colonies they were not forgotten, but that if they were exposed to any sudden calamity, not only did we in this country as individuals sympathize with and strive to aid them, not only did the Crown feel the deepest interest in the alleviation of the calamity, but that Parliament was ready and willing to take the earliest opportunity of coming forward, and marking their sense of the suffering endured, by the means they were prepared to adopt for its relief. He begged to move that the House resolve itself into a Committee of the whole House, to take into consideration the Resolution which he was about to submit, on which to found an Address to Her Majesty, praying that she would be graciously pleased to direct that a sum not exceeding 20,000*l.* should be apportioned for the relief of the sufferers at the recent fires in Quebec.

House in Committee.

Resolution agreed to. House resumed.

Resolution to be reported.

LAW OF SETTLEMENT.] Mr. *W. H. Bodkin*, in moving for leave to bring in a Bill to amend the laws relating to the settlement of the poor in England and Wales, begged permission to state shortly the objects which he had in view, more in the hope that the House would permit him to bring in his Bill, and thus enable him to have it printed and circulated throughout the country during the recess, than with any hope of being able to proceed further than the present stage at present. He did not propose, as was contemplated by the right hon. Baronet the Home Secretary, to make any alteration in the present Law of Settlement. His object was to mitigate, if not to remove entirely, two very serious and very pressing evils which were found to exist under the present administration of the Poor Laws, in so far as the removal of paupers was concerned, and likewise in regard to the adjudication of disputed settlements. Under the present law a great deal of unnecessary hardship was inflicted by the immediate removal of persons from a parish to which they became chargeable by reason of sickness, accident, or other sudden and inevitable dispensations of Providence. It was very hard upon such persons to be compelled to see their little households broken up, and themselves and their families transported to a distant part of the country, in consequence of their becoming temporarily chargeable to the parish; and, moreover, he must point out that the evil was not all on one side, for a great and often an unnecessary expense was incurred by the parish in enforcing such removals. The Bill which he supposed to lay on the Table provided against both these evils, by enacting that no person circumstanced as he had described should be liable to be removed to his or her place of settlement until relief should have been continuously given to them for a certain specified number of days after the sickness or accident by which they had been rendered chargeable, should have ceased or have been remedied. The Bill of the right hon. Baronet did contain a proposition by which it was to be enacted that no widow who became chargeable by her husband's death should, be removed to her place of settlement until twelve months had elapsed since the death of her husband; he proposed to introduce that provision into his Bill, and to make such removal likewise contingent upon the consent of the widow being obtained. The next provision which he proposed to introduce into the Bill would remedy a most enormous and growing evil, which prevailed to a very serious extent under the present Poor Law. When the magistrates at quarter sessions had decided upon the evidence of parties before them, as to the place of settlement of persons chargeable to the parishes within their jurisdiction, those decisions came under the cognizance of the Court of Queen's Bench by appeal from the quarter sessions, and it was found that in consequence of technical objections, and without any reference to the merits of the case, or the real and substantial justice of the magistrates' award, these quarter sessions' decisions, in four cases out of five, were upset and reversed by the Court of Queen's Bench, thus entailing a useless, as well as a very heavy expense upon the ratepayers. What he proposed to do in order to put an end to a practice so ruinous was, to constitute a referee under this Bill, who should be a barrister of a certain standing, and who

should be empowered to take evidence, to examine witnesses, and to decide upon the legality of the quarter sessions' decisions in cases of disputed settlement, due regard being had to the justice of each case, and technical points being overruled and set aside. He did not propose to alter in any degree the present Law of Settlement, or to make any change in the mode of proving the settlement; all he sought to effect was, to put a stop to the present system of allowing technical objections, instead of the real merits of each case, to govern the decision of the Judge to whom the appeal against the decision at quarter sessions was referred; and, having thus explained the objects which he had in view, he begged to move for leave to bring in a Bill to amend the laws relating to orders for removal of the poor to their places of settlement, and the trial of appeals against such orders.

Sir *J. Graham* was sure that the House and the country would be greatly indebted to his hon. and learned Friend, who was a gentleman of great experience and legal knowledge, for devoting his time and abilities to a matter of such great importance, not only to the poor, who suffered extremely from removal, but also to the country generally, to whom these removals caused great expense. He should readily give his most anxious attention to the measure. The fact that it had emanated from his learned Friend, was a proof that it would embrace a great practical knowledge of the subject, and that it would conduce to an early and satisfactory arrangement of the question. The Law of Settlement as it at present stood was, he thought, most injurious and unsatisfactory; but he knew that the greatest possible difference of opinion existed as to the means which should be adopted for amending it. He himself could not, of course, propose any amendment which in his conscience and judgment he did not think would be effective. In his opinion, parochial settlements, small township and parish settlements, were the very root of the evil; at the same time, he knew that many persons believed, on the contrary, that it would be nothing less than sacrilege to interfere with those small settlements. However, he should be most happy to attend to the measure now introduced, which was limited to the subject of removal, though, in his opinion—and he thought it would be found so at last—the Law of Settlement was so intimately blended with the law of removal, that they could not come to a satisfactory arrangement of the one without including the other. He could not at present state what measure he might consider it his duty next Session to adopt; but, in the mean time, he certainly promised his hon. and learned Friend, that the measure before them should receive his careful perusal and best attention

Bill read a first time, and ordered to be printed.

House adjourned shortly after nine o'clock.

HOUSE OF LORDS,

Friday, August 1, 1845.

MINUTES.] BILLS. *Public.*—2ª. Removal of Paupers; Borough and Watch Rates.

Reported.—County Rates; Customs Laws Repeal; Customs Management; Customs Regulation; Smuggling Prevention; Shipping and Navigation; British Vessels; Customs Duties; Warehousing of Goods; Customs Bounties and Allowances; Trade of British Possessions Abroad; Isle of Man Trade; Coal Trade (Port of London); Taxing Masters, Court of Chancery (Ireland); Commons' Inclosure.

3ª. and passed:—Bills of Exchange; Lunatic Asylums and Pauper Lunatics; Joint Stock Companies (Ireland); Grand Jury Presentments (Dublin); Stock in Trade; Land Revenue Act Amendment.

Private.—2ª. Shuldham's Divorce; Grimsby Docks; Duddeston and Nechells Improvement; London and Croydon Railway Enlargement.

Reported.—Dublin Pipe Water; Eastern Counties Railway (Cambridge to Huntingdon).

3ª. and passed:—Darby Court (Westminster).

PETITIONS PRESENTED. From Presbytery of Kelso, against any Change in the Existing Tests (Scotch Universities).—From Robert Kellie Douglas, Registrar of the Borough Court, Birmingham, against Small Debts Bill.

GREAT WESTERN RAILWAY (DUBLIN TO GALWAY) BILL.] The Earl of *Besborough* presented the Report of the Select Committee appointed to examine the evidence taken before the Select Committee on the petitions of James Pym (presented to the House on the 7th and 8th of July), and to report what steps (if any) it might be necessary to take in the case of John Stinton, reported to have been guilty of perjury. The Report stated that the Committee had met and considered the subject, and the result they had arrived at was, that, although it was manifest to the Committee that John Stinton had wilfully contradicted himself, and been guilty of equivocation in his evidence given before the Select Committee on the petitions of Mr. Pym, respecting the Dublin and Galway Railway Bill, still

they were, on the whole, of opinion that it was not expedient to direct a prosecution against the said John Stinton, by means of an indictment.

The Duke of *Wellington* asked whether the Committee recommended the adoption of any other course?

Lord *Campbell* observed that the Committee was unanimous in the adoption of the Report. It should be recollected that, although it was not deemed expedient to direct a prosecution for perjury to be instituted, still the House might, if it thought proper, punish this person, by fine and imprisonment, for misconduct in equivocating in the evidence he gave before a Select Committee of this House. The Report was then laid on the Table.

Incorporation of Companies Bills.] On the Motion of the Marquess of *Lansdowne*, the following Standing Order was adopted:—

"That when in any Bill to be hereafter introduced into this House for the Purpose of establishing a Company for carrying on any Work or Undertaking, the Name of any Person or Persons shall be introduced as Manager, Director, Proprietor, or otherwise concerned in carrying such Bill into effect, Proof shall be required before the Standing Order Committee (*when the Bill shall be referred to that Committee, or before the Committee on the Bill in any other case*) that the said Person or Persons have subscribed their Names to the Petition for the said Bill, or to a printed Copy of the said Bill as brought up or introduced into the House."

Bills of Exchange Bill.] On the Motion of the Earl of *Dalhousie*, Bill read 3ª.

Lord *Monteagle* expressed his opinion that the Bill ought to be made permanent. He referred to the evidence which had been given before their Lordships' Committee on the Usury Laws, in order to show, from the evidence given by merchants and traders, by solicitors and professional men, and by persons connected with the Court of Bankruptcy, that the opinion of all these parties, after eleven years' experience of the usury laws, was favourable to a relaxation of those laws, on the ground that they were found to press very heavily upon the poorer class of traders. In passing the Annuities Acts, they had already relaxed the usury laws; and the State also always took care that they should not be applicable to itself in time of war, though they were maintained against private individuals endeavouring to borrow money. If there were any one fact connected with the subject proved more clearly than another, it was that these laws pressed most injuriously on the poorer classes. It could not possibly be supposed that the country had not made up its mind on this matter before the present time. There was, in fact, no difference of opinion upon it among the best informed persons, and he could not, therefore, see why the Bill should not be continued for more than five years. He would, under these circumstances, beg to move that the words "to be continued until the 1st of January, 1851," be expunged from the recitement, for the purpose of inserting the words, "that the said recited Act shall be made perpetual."

The Earl of *Dalhousie* said, he would for the present avoid entering on any general discussion of the question. Although a partial suspension of the usury laws was certainly recommended in the Report to which the noble Lord had alluded; still he did not think their Lordships were in a position now to take so great a step as to vote for the entire repeal of those laws. He thought such a change ought not to be made without the most thorough and searching investigation, both before that and the other House of Parliament, and he felt obliged, therefore, to vote against the Motion of the noble Lord. But though the Bill was to extend for only five years, there could be no reason for supposing that the state of the usury laws might not be modified to any extent within that period, if the wisdom of Parliament should think fit to take any step on the subject pending the operation of this law. If his noble Friend, or any other noble Lord, should think fit to move for an investigation into the state of the usury laws, no opposition would certainly be offered by the Government. He trusted, therefore, that their Lordships would not agree to the Amendment.

The Marquess of *Lansdowne* said, that having been the Member of their Lordships' House who had the honour of presiding over the Committee appointed to investigate the subject of the usury laws, he had felt it to be his duty, when the Report had been presented, to move that those laws be relaxed; and he now thought that the period had arrived when suspending laws ought to be got rid of alto-

gether. On the occasion to which he alluded he was told—"Let us see the effect of this relaxation; the proposition is something new, and we have a right to know the working of it. If we find that there is nothing wrong in this measure that you propose, we shall be prepared to vote with you for doing away with those laws altogether." They had now abundant experience of the evil of those laws, and of the positive good which a repeal of them would produce; and, under these circumstances, reiterating the opinion which he had formerly expressed, and which he now saw entertained by others, he entirely concurred in the Motion of his noble Friend.

The Earl of *Ellenborough* said, that having been also a Member of the Committee alluded to, he felt bound to express his concurrence in the opinion that the suspension of the usury laws would prove very salutary in time of peace; but they had never yet been subjected to the trial of a period of war. If his noble Friend opposite (Lord Monteagle) had substituted the words "1846" or "1847," for "1851," he would have voted with him, as he could not conceive any grounds whatever for fixing the period of suspension of these laws at five years. It should be borne in mind by all who were in the habit of dealing in money, that it was impossible to allow individuals to compete with the Government in time of war, or otherwise the public debt would increase to such an amount in a few years as to endanger the safety of the Constitution.

Lord *Monteagle* said, the noble Earl had misunderstood his meaning. He did not think that in order to guard against inconveniences to the State, they should place a bar in the way of individuals borrowing money. It was clear that if they waited for years before legislating on the subject, they could not expect to add to the weight of evidence which was already before Parliament respecting it. But whatever variety of opinion might exist on the matter, it was clear that a continuance of the law for five years was the most indefensible of all. He should therefore feel obliged to press his Motion to a division.

Lord *Wharncliffe* said, he did not feel himself at present prepared to make this Bill perpetual. He thought that the wiser course to adopt would be to suspend the check for a short time, until they could institute farther inquiry on the subject.

The Earl of *Wicklow* said, he agreed fully with his noble Friend (Lord Monteagle) in principle, and he would vote with him if the proposition of his noble Friend near him (Lord Wharncliffe) were that the suspension was to extend for five years and then to cease; but as the Bill would clearly lead to further inquiry, he thought they ought to allow it to pass.

The Duke of *Wellington* said, he thought the period of five years ought to be adopted, in order to prevent the inconvenience which might result from fixing on a short period. Of course care should be taken to bring the subject under consideration within a given time, so as to have the matter prepared for some final decision upon it.

House divided on Question, that the words proposed to be left out stand part of the Bill:—Contents 37; Non-Contents 9: Majority 28.

Bill passed.

COMMONS' ENCLOSURE BILL.] Lord *Stanley*, in moving that the Report on the Commons' Enclosure Bill be received, said, that the Amendments which he proposed to introduce into this Bill, all originated from the discussion that had taken place upon the Bill in Committee. The most material alteration which he had to propose, was to take away the discretionary power vested in the Commissioners under the 17th Clause. The other Amendments were the proviso with regard to equalizing assessments, and the insertion of a proviso prohibiting the erection of any building to be used for the purpose of a dwelling-house in any of these field-gardens. It was proposed to have a limitation with respect to buildings for holding or feeding cattle.

Report received.

House adjourned.

HOUSE OF COMMONS,

Friday, August 1, 1845.

MINUTES.] BILLS *Public.*—2°· Exchequer Bills (£9.024,900); Consolidated Fund; Silk Weavers.

Reported.—Fees (Criminal Proceedings).

3°· and passed:—Slave Trade (Brazil); Naval Medical Supplemental Fund Society; Real Property (No. 1); Assignment of Terms.

Private.—2°· Earl of Powis's (or Robinson's) Estate.

Reported.—Lutwidge's (or Fletcher's) Estate; Severne's Estate; Follet's (or Molyneux's) Estate; Birmingham Blue Coat School Estate; Dick's Estate; Sampson's (or Ward's) Estate; North Walsham School Estate; Mar-

quess of Donegall's Estate; Winchester College Estate; Marsh's (or Coxhead's) Estate; Bowes's Estate; Duke of Bridgewater's Estate.

Petitions Presented. By Mr. Hutt, from Proprietors of Land and others interested in the Prosperity of New South Wales, for a General Assembly there.—By Mr. C. Buller, from Attorneys and Solicitors of Wellington, and a great number of other places, for Removal of Courts of Law and Equity to Inns of Court.—By Mr. Cobden, from Stockport, for Diminishing the Number of Public Houses.

London and York Railway.] Viscount *Courtenay* moved the consideration of the Report of the Committee on the London and York Railway.

Mr. *Ward* rose, pursuant to notice, to move, that the Bill be recommitted. It was with great pain that he ventured to trouble the House upon the present occasion to reconsider the decision that had been come to with respect to the present measure. It was hardly possible at any time to induce the House to reconsider a decision of any kind, and that difficulty was greatly increased in dealing with the decision of a Committee that had sat for no less than seventy-three days; under such circumstances nothing would have induced him to appeal to the House, except a conviction that he had one of the strongest causes that was ever brought before the House. If the Committee had had time to hear all the parties concerned, nothing would have induced him to have brought forward the subject. He admitted that the Committee had been most persevering in its labours, but it had done great injustice to several parties, and had come to most improper decisions, without hearing facts; and adjudicated upon the rights of parties, without hearing the parties themselves. The Report itself bore evident marks of the pressure which the Committee felt, to get through the task imposed upon it at the present period of the Session. He appeared there to argue the claims of the York and North Midland, the Midland Counties, and the Eastern Counties Lines, which had been decided without those parties having been heard. He was told that it was a difficult matter to dispute with a great trunk line, such as the London and York; but the other lines had a right to consider themselves a great trunk line, and they had so considered themselves. They expected to be allowed to show the Committee that they could effect a communication with York, at a saving of a million and a half. If they could show this, and they could prove that they had already nearly two-thirds of the line constructed, he hoped that the House would see the propriety of recommitting this Bill. They were at first admitted to form a competing line even by the Committee, for in the first instance, when the counsel for the Hertford and Biggleswade, and on a subsequent day Mr. Austin, for the Eastern Counties Company, made an application stating that he should satisfy the Committee that they were a distinct and competing party, and that, if excluded, they should be debarred from examination of witnesses *pro formâ*, the Committee decided that the Eastern Company's scheme should be admitted into Court, and its counsel be entitled to all the privileges of examining witnesses. [Mr. *Darby:* Does that extend to the general principle of competing lines?] The hon. Member for Sussex asked him if that extended to the general principle of competing lines? Why, that hon. Member himself said, that they might be considered so, but said that in their examinations they must be sure to confine themselves to what had been alluded to in the first examination. The Committee having thus decided, the Companies he represented expected that they should be considered competing lines in the fullest extent, and when, before the decision had been given on the preamble, the counsel applied to the Committee that they might be allowed to blend the main evidence of the competing lines as against the London and York line, with the object of saving the time of the Committee, the request was complied with. This Resolution was dated the 7th of June, but he found that it was not acted upon throughout; and he begged to call the noble Lord's attention to this fact, that that proposition and the Resolution were materially altered in the Report. [Lord *Courtenay:* What date do you say?] The 7th of June. Application was afterwards made to the Committee to ascertain what course they would wish to have pursued with regard to the rebutting evidence. He found, on examining the Reports, that the Committee ordered that landholders and the other opponents should be heard after; and he held in his hand a Resolution which was not to be found in this Report. The Resolution passed by the Committee was such as might have been acted on by all parties; but the next was of a very modified character. On applying to the short-

hand writer for a copy of it, he found that the Resolution stated, that the landlords were to be heard next in order, but that the Committee would offer no objection to the course of blending the evidence against the London and York; and Mr. Hildyard stated, that he had arranged his case so as to class the rebutting evidence together, and the other competing lines had agreed to that course. This case was decidedly agreed to by the Committee themselves. Now, the first intimation they had of an intention to decide upon the preamble was on the 12th of July; and then the counsel and the parties in support of the three competing lines objected, on the ground that they had not been heard. This objection was overruled by the Committee on the 14th of July. Now this decision they complained of, because they had never been heard. There were great advantages in the line from London to Biggleswade for bringing the manufactures of the north to the river terminus, which would be constructed in the course of the next three months. It was thought that all the parties concerned were judicially entitled to be heard: instead of that, however, a hearing was refused, and the Committee voted that the preamble of the London and York line was proved, in order to shut out all evidence from the other parties. Such was not the case with the Committee, of which the hon. Gentleman opposite was the Chairman. Before that Committee there were three lines submitted between Portsmouth and London. Evidence on all of them was heard; and at last the Committee, after having maturely considered all of them, decided on that line which they thought most conducive to the public interests. In the noble Lord's Committee, the practice was altogether different. On the 16th of July another application was made to the noble Lord by Mr. Talbot, on the part of the Eastern Counties line, to be heard; and the application was overruled by a resolution, which was distinctly opposed to that passed on the 7th of June. Evidence was again tendered on the 9th of July to the Committee, by Mr. Wells, on behalf of the Eastern Counties line, with respect to the river terminus; and again this application was rejected. They did not take one tittle of evidence on the importance of effecting a communication with the Thames at Blackwall, and yet the Committee attached the greatest importance to the terminus of the London and York line. When the application was made to be heard, the Chairman told the counsel that it was an extremely proper application, but that the Committee could not entertain it. Even in the Report, as regarded the London and York scheme, it was clear the Committee had heard sufficient rebutting evidence to give it clearly and fully. None of the rebutting evidence of the Direct Northern and Cambridge and Lincoln lines had been heard; and this evidence was necessary, in order that the whole bearing of the entire scheme might be properly sifted and adjudicated upon, and thus nearly the whole of the important part of the project was altogether shut out. If the opposing lines had received fair play, the traffic evidence of the London and York Railway would have been materially altered. This evidence was got up in so absurd and extraordinary a manner, that the noble Lord thought proper to tell the promoters of the London and York line, that the Committee could not receive their evidence as to the coal traffic as it then stood. In consequence of this hint, the amount expected to be derived from the coal traffic was reduced from 300,000*l.* to 170,000*l.* per annum. If the competing lines had insisted at an early period of the case on producing rebutting evidence, it would, perhaps, have been differently decided. He would appeal to the House, whether or not the case of the London and York line was ripe for decision at the present time? He contended that the Committee had come to a decision with imperfect data, and with an insufficiency of facts. On Lord Lindsay's estate, the Peterborough line had already been sanctioned, which traversed nearly the whole of his property; and the Committee had decided that for the space of a single mile in the same field the London and York line should cross that railway, and had decided on a line which it was physically impossible to construct, unless another line, which had received the legislative sanction, was altogether abandoned. He thought that the Committee, by the first paragraph of their Report, showed a diffidence in the decision they had come to. They said they must come to a decision, as the Session was so nearly at an end. Not to come to a decision, might be, he admitted, a great evil, but it was a far greater evil that the facts were not fully

and completely inquired into. He had a perfect right to ask the House to recommit the Bill and suspend proceedings in the case, if it were only from the fact that important competing companies had not been heard before that Committee. They would have furnished a body of evidence against the project which would be of the utmost importance, but they were precluded doiug so. When the London and York case had closed, an appeal was made to the Chairman that they should be heard by counsel, but the request was not acceded to; and he appealed to any hon. Gentleman present, who had been Chairman of a Committee of that House, if that refusal were not unfair, and contrary to precedent. Besides, the Committee had not been unanimous in their decision, and it was only by the casting vote of the Chairman that the preamble of the Bill was affirmed. Upon these grounds he asked the House to suspend further proceedings on this Bill.

Mr. *Hutt* seconded the Motion, and thought the House had good reason to be dissatisfied with the decision of the Committee. As to the proceedings of the Committee, he did not wonder that they felt their physical energies giving way under the overwhelming mass of business before them; it was scarcely to be expected that their strength should keep up against such accumulating matters, and to that circumstance might be, perhaps, attributed their unwillingness to adopt a course more consonant with the regulations of the House. But to whatever cause it was to be attributed, their proceedings were scarcely consistent with the rules of Parliament, or the justice of the case. It was very true that, as yet, they had not concluded their labours, but virtually and effectually they had with regard to the present Bill. The House, when it nominated certain Members to inquire into a case, necessarily required that some report should be presented on each particular Bill, but at the present moment several Bills had been disposed of without a hearing, or the slightest consideration, as much as if they had never appeared before the Committee at all. For these reasons, he considered it his duty to support the Motion of his hon. Friend for the recommittal of the Bill.

Lord *Courtenay* said, that as Chairman of the Committee to which those Bills had been entrusted, he might perhaps be excused if he stated to the House the course of proceeding, and as that, and not the peculiar merits of the projects, had been made the chief subject of comment by the hon. Member for Sheffield, he would confine himself as strictly as possible to meeting that particular question. The Report which had been that morning laid before the Members of the House, mentioned the number of Bills which had been referred to the consideration of the Committee. The hon. Member opposite complained of the apologetic tone in which the Report was introduced; if apology were discernible, he could assure the hon. Member that it was not from any misgiving of error or irregularity, but that, impressed with the stupendous charge with which they were entrusted, they wished to evince a sense of that importance, and also show their respect to the House. They, therefore, were not content with giving a mere dry and general detail, but explained the circumstances which led to their decision. He must be permitted now to say that, although upon the merits of the two Bills, the Committee were not unanimous, but divided, in their decision, as respected the course of proceeding throughout their sitting, they were invariably unanimous. Whether, therefore, right or wrong, regular or irregular, these proceedings were adopted in accordance with the decision of the Committee. The hon. Member for Sheffield had stated that an arrangement had been made, and a resolution adopted, wherein they stated their intention of including in one Bill the Sheffield and Lincoln and Tottenham and Farringdon-street Extension. That was perfectly true; and it was on this ground that the Bills thus included, were considered as more or less in competition with each other, either in a direct line north and south, or, laterally, east and west; and subsequent to this arrangement, on a special application, the Hertford and Biggleswade was added to the list by sub-grouping. That preliminary matter being settled, they proceeded to classify the schemes in the order in which they should be heard. The London and York was that taken first, because it was the first in point of fact. Throughout the entire case counsel were let in to cross-examine every witness; and it would be found, on reference to the Report, that one, two, three, four, and five Counsel exercised this right. If any Member had

been present in the Committee-room during the seventy or eighty days that the Committee sat upon the line, he would have seen the course adopted, and been enabled to bear witness to the accuracy of his statements. The hon. Member had also referred to the Resolution adopted by the Committee on the Bill; several members of the Committee had expressed a desire of coming to a decision on such parts of the case, as would not inflict injury on other parties who had claims to be heard before the Committee; and, as far as the leading lines were concerned, it was considered necessary and desirable to come to some resolutions on such parts of the scheme as would involve this arrangement of the business. In pursuance with this, application was made before the case of the London and York was gone into, and when an objection was taken to it in respect to certain errors which were alleged to exist in the plans of that scheme, that the whole case between the two great lines should be taken, and that the counsel on behalf of the Direct Northern should state the places at which they proposed to prove the effect of the errors specified to be so great as to render the work impracticable. It was at the same time requested by counsel on the side of the London and York, that the Committee should come to a decision on the merits of that scheme after the termination of the Tottenham and Farringdon-street case. Himself and his hon. Colleagues on the Committee concurred in saying, in answer to the application, that on the Monday following they would give their decision separately on those applications. On the Monday they met, and came to the conclusion that when the cases of the Direct Northern and Farringdon-street Extension lines were closed, they would proceed to consider the merits of the two competing lines before them, for effecting a second trunk railway communication between London and York, viz. that of the London and York Company, and that which consisted of the Cambridge and Lincoln, the Direct Northern, and the Farringdon Extension lines, in conjunction with the Eastern Counties Railway, already executed as far as Cambridge. All were agreed on this Resolution. We were guided by the arguments of the Report of the Board of Trade in excluding that part of the Midland Counties Railway which was considered to be in competition with the London and York line. They considered that it would be exceedingly objectionable to extend further the Midland Counties scheme, considering the circumstances under which that Company had acted. They took that step with due deliberation, subject to the responsibility of that House. They felt justified that the course they took was in conformity with the interests of all parties concerned. An application was made to them on July 16, on behalf of the Eastern Counties and the York and North Midland Companies, to be allowed to present rebutting evidence against the London and York lines. The application was made by Mr. Talbot; and an answer was returned to the effect that the Committee, in the exercise of its discretion, considered the London and York, the Cambridge and Lincoln, the Direct Northern, and the Tottenham and Farringdon Extension, with the existing Cambridge Railway, were the only two schemes that competed *inter se* as it respected a direct trunk communication from London to York; and thus the Cambridge and Huntingdon line should be taken next in order. These Resolutions were come to, after a due examination of evidence, and a careful consideration of the question. The opposition of Lord Sidney had been referred to, and on that subject he would say a few words. Counsel on behalf of that noble Lord had been heard, witnesses called and subjected to examination and cross-examination; many questions were asked by the Members of the Committee, and a map of the place was used to guide them in their inquiry. In fact, it was not without much care and consideration that the Committee decided, and then not before the case on behalf of the noble Lord had been fully heard. The principle on which the Committee acted was, at every stage of their business, to select such Bills as might be considered competing schemes, and to view them in connexion with each other. The House had entrusted the Committee with a certain discretionary power, and it had been honestly and, he trusted, impartially exercised. That was the resolution they had acted upon. He was not conscious of having omitted any part of his duty as a Member of the Committee; but thought all of them had acted in accordance with precedent, and in conformity with the immense interest involved in the case. He would not say further, than that they had endeavoured to do the best they could, and hoped the House would consider that they had not acted in any way improperly.

Mr. *B. Wall* was understood to say, that the Committee would not have done their duty if they had acted upon a different system. He must be allowed to affirm, without the least disrespect to the individual who had complained of breathless haste, that the great railway power was not in existence at the time the Great Western or South Western was before Parliament. He was quite sure the Committee had done right in coming to the decision they had come to, and thought the House would exercise a sound judgment in not agreeing to the Motion.

Mr. *Darby* hoped the House would look at what the system of grouping was, before they came to a decision that the Committee had exercised an improper discretion. He believed that the system of grouping was the best that could have been adopted under the circumstances; but you must abandon that system altogether unless you allowed the Committee to deal with the groups. The hon. Member for Sheffield had totally mistaken the principle on which the groups were formed, and that mistake ran through the whole of his speech. A certain number of Bills were referred, and then it was decided which were competing *inter se*. He was prepared to maintain that the Committee had taken the only course they could take. As far as the Report went on the merits of the line, he held himself responsible for every word in it. He maintained that Lord Lindsay's wish was to be heard more than once on the same point. He believed that on every point the Committee had acted regularly; and if they had been misled, it was in coming to the House for the instructions on which they had acted. If the Committee were not to have the power of deciding which were competent lines, he trusted he might never be placed on a Committee where there were groups of railroads, because he felt that he should have undertaken to do that which was impossible. It would be a condemnation of the system of grouping.

Mr. *P. M. Stewart* had no doubt that the Committee on Group X believed they had discharged their duty according to the rules and practice of the House, and in justice to the parties; but the question was, whether the practice of this Committee was consistent with the practice of other Committees? If Group X had acted according to the principle which the House wished the Committee to adopt, then every other Committee had acted wrong. The Committee of which he was a Member did not regroup their Bills, but admitted them as competitors one with another. The competitors of the London and York were virtually put out of court by the Committee adopting the preamble of the Bill promoted by that Company; and he considered it was very hard upon the petitioners that only part of their case was heard when the Committee came to their decision. He gave every credit to the Committee for good intentions, but he certainly thought they had taken a wrong course. With all his predilections for sustaining the Reports of Committees of that House, he must say, that if the Report in question was adopted by the House, then nine-tenths of the Committees which had sat during the Session had been wrong.

Mr. *P. Scrope* said, as he had voted against the preamble of the Bill, it might be inferred that he was not violently opposed to the recommittal of the Bill. With regard to the course of proceeding, the Committees were involved in great difficulty. Eleven different and important railway schemes were committed to them: the map of the country, which was laid before them, looked more like a spider's web than anything else; and every one of the eleven were competing lines, in a greater or less degree, with the London and York line; so that the Committee would have had very great difficulty in grouping the lines. The only fault alleged against the Committee was, that they had not heard rebutting evidence against the London and York line. Now, they had occupied no less than ten days in hearing rebutting evidence against that line from the Cambridge and Lincoln line. The Committee thought enough of time had been devoted to that part of the case, and they were of opinion that the other parties were not likely to bring forward anything that was new. Although he had differed from his Colleagues upon the preamble, he was quite agreed with them in regard to the course of proceeding which was adopted; and he saw no ground for referring the Bill back to the Bill.

Mr. *W. R. Collett* had great confidence in the Committee; but he must protest against the decision they had arrived at, and would vote for the recommittal of the Bill.

The House divided on the original Question:—Ayes 78; Noes 19: Majority 59.

Report to be further considered.

Bill to be engrossed.

THE INCOME TAX—CASE OF MRS. KING.] Mr. *C. Buller* wished to put a question, and he owed an apology, perhaps, to the House for not having brought forward a Motion upon the subject, but he should be excused for having taken the simpler and the speedier mode of getting information upon it, by asking a question of the hon. Gentleman the Secretary of the Treasury. The question which he had to put related to a petition which he had some time since presented to the House, from a lady of the name of King, complaining that, although her income was under 150*l.* a year, and although she had repeatedly applied to have a return made to her of the amount collected from her tenants, her income being derived from houses, and notwithstanding a couple of years' continual remonstrance on the subject to the local Commissioners and to the Treasury, she had not been able to procure as yet any return of the money. The petition further stated that she had been subjected to a good deal of vexation, annoyance, and ill treatment from some of those with whom she had thus been brought in contact. He wished, therefore, to ask the hon. Gentleman if he had made any inquiry into the circumstances, and whether he could now give any information as to the case?

Mr. *Cardwell* said, that before the petition alluded to was presented by the hon. Gentleman, the case of Mrs. King had received the attention both of the Commissioners at Somerset House and of the Treasury. The case had been brought before the Commissioners, to whom, by law, cases of this kind were left; and they, after the fullest investigation, were perfectly satisfied that the claim of Mrs. King to a return of the duty had not been substantiated; and upon further inquiry made by himself into the case, he had every reason to believe that the decision come to by the Commissioners was supported by the strongest evidence. With regard to the complaint as to the vexation and annoyance which the petitioner alleged that she had sustained from the conduct of the officers, he had also investigated that charge, and believed that it was entirely without foundation.

EMPLOYMENT IN WORKHOUSES.] Mr. *Duncombe* said, that he had, a short time ago, presented a petition to the House, complaining of the practice which existed in the workhouse at Mansfield. By the New Poor Law any person seeking nightly shelter and food, could be sent to a task of work, with a view of repaying the parish with that task of work for the relief afforded. The practice which prevailed in cases of that sort in the workhouse referred to was this. There was a wheel at which persons seeking nightly shelter or food were placed at work from one hour to four hours in the morning. This was not a wheel that produced anything. It neither drew water nor ground corn; but was established solely for the purpose of hard labour. From one to eight persons could work at the wheel, and if there were more than one, the master of the workhouse put on additional weight, so as to make the task more difficult. The circumstance was regarded in the neighbourhood with great dissatisfaction, and was thought to be contrary to the spirit and the letter of the New Poor Law Act. He had taken the liberty, at the time when he presented the petition, of drawing the right hon. Baronet's attention to the allegations contained in it, and he now wished to ask the right hon. Baronet if he had made inquiry into the subject, and if so, what steps he had taken in regard to it, if he considered the practice illegal?

Sir *James Graham* said, that in consequence of what had fallen in March last from the hon. Gentleman, in reference to this subject, the Poor Law Commissioners had communicated with the Poor Law Guardians of the Union in question, about the illegality of the application of labour to machinery, the working of which yielded nothing. He thought, with them, that such employment of labour was of a penal character, and that it was neither within the spirit nor the letter of the New Poor Law Amendment Act. The first communication had not, it appeared, led to the discontinuance of this mode of employing labour, which led to a peremptory order being subsequently sent by the Poor Law Commissioners for its immediate discontinuance.

CRUSHING BONES IN WORKHOUSES.] Mr. *Wakley* wished to ask the right hon. Baronet if he had received any information from the Poor Law Commissioners relative to a practice which he understood to prevail in the Union of Andover in Hampshire. He understood that one of the guardians of the Union had complained to the Poor Law Commissioners that the paupers of the Union were employed in crushing bones, and that, while so employed, they were in

the habit of quarrelling with each other about the bones, of extracting the marrow from them, and of gnawing the meat which they sometimes found at their extremities; this was certainly a most serious, as well as a most shocking affair. He could state potitively that one of the guardians had complained of this, and he begged to ask the right hon. Baronet if he had heard anything relative to it from the Poor Law Commissioners, or from any other quarter; and whether he had inquired into the subject?

Sir *James Graham* could not believe in the existence of such an abuse as was embodied in the statement just made. The House must have heard that statement with horror. He himself had never heard any statement similar to that which the hon. Gentleman had made. Had the facts alleged been true he was quite satisfied that they would have been represented to him, and had they been so represented, he would have insisted on the fullest investigation of them. He would again repeat, that he could not believe that such an abuse existed, otherwise he should have heard of it.

Mr. *Wakley:* Will the right hon. Baronet deem it his duty, after the statement which he had now made, to inquire into the subject?

Sir *James Graham:* Most certainly; I shall institute an inquiry this very night.

Affairs of Greece.] On the Motion that the Order of the Day for the Second Reading of the Exchequer Bills Bill be now read,

Viscount *Palmerston* said: Sir, in making the observations which I am about to submit to the House relative to the kingdom of Greece, I feel that I cannot claim the attention of the House on the ground that the subject which I am going to bring under its consideration concerns either the military or the political interests of the country, or its commercial or even its pecuniary interests, to any very considerable extent. Politically, we have no interests worth mentioning with regard to the kingdom of Greece. That State is not sufficiently important to form an essential element in the general balance of European power; we have, therefore, no peculiar political interest with respect to the kingdom of Greece. The commerce of Greece cannot by any possibility be very extensive, and, therefore, we can have no commercial or selfish interests there to maintain. In a pecuniary point of view, indeed, we are, to a certain degree, concerned, because we are now paying for Greece a portion of the interest upon the Greek loan which was guaranteed by the three protecting Powers; and anything which tends to retain Greece in a state of disorder, and to continue to prevent her from paying the interest upon her own debt, must, to a certain extent, affect this country in a pecuniary point of view. But the subject has higher claims upon the attention of the House and the country, because it concerns the honour and good faith of Great Britain. The circumstances which led to the establishment of the kingdom of Greece are well known. Every one must remember that there broke out in Greece in 1820 a general resistance to the Turkish authority. That resistance continued from 1820 till 1827, during which time a sanguinary and exterminating war was carried on between the Turkish troops and the Greek nation. In 1827, England, Russia, and France, concurred in the determination to put a stop to those hostilities, and to erect Greece into a separate and independent State; and the result was, that the kingdom of Greece was so constituted, and England and the other two Powers guaranteed by Treaty the independence and integrity of that kingdom. I say, therefore, that anything which threatens the independence which we have guaranteed—anything which threatens the prosperity of that kingdom which we were parties to create, affects directly, and in a material respect, the honour of the British Crown. After those transactions which created the kingdom of Greece, and defined its frontier, a King was appointed, and that King being of tender age, a Council of Regency was sent from Bavaria to administer the affairs of the country. That regency has been much abused. No doubt faults were committed by members of the regency. Theirs was the great fault of quarrelling among themselves. There were intrigues and cabalting amongst them, one against the other; but be their faults what they may, they conferred upon Greece great and substantial benefits. They established in Greece what may be called popular assemblies. They gave it municipal corporations—they established freedom of the press, trial by jury, a national Church, provincial assemblies, and they laid the foundation for that general representative constitution which the three allied

Powers had promised to the Greeks, and which the King of Bavaria, the father of the Sovereign, and acting as his tutor during his minority, had promised them, and which the son himself, on coming of age, had also promised. That constitution, so long promised, was long delayed; and during the early years of the King's reign—after the regency had ceased, and the King had assumed the functions of Government—through the agency of those who had been successively engaged as Ministers, great abuses prevailed—great and terrible oppressions were practised on the Greeks; there was a lavish expenditure and squandering of the public funds in the maintenance of a bad system; and the result was that the finances of the Government were unable to meet the current expenditure—the interest of the loan was unpaid, and the payment of that interest was thus thrown upon the guaranteeing Powers. At last the discontent of the Greek nation at the misgovernment under which they suffered got to such a pitch, and was so universal, that in the month of September, 1843, by the almost unanimous act of the Greek nation, a calm, a peaceful, and tranquil revolution was, in the course of a few hours, effected. What was required was, that Greece should receive from the Sovereign that representative constitution which had been already guaranteed to it. A general assembly was summoned. It sat for many months, and, in conjunction with the royal authority, completed a code for a representative government for Greece. Those who only looked to the surface of things, who did not keep a strict watch, or who were not acquainted with the secret springs of that system which was in operation in Greece, might have expected that, when a constitution was established, things would go on in a different way; that the Sovereign would be content to act within the limits of the constitution, and that the people would be allowed to enjoy those privileges and that security to which, by the constitution, they were entitled. I am sorry to say that this was not the case. The Minister who had been called to act, Mavrocordato, was an enlightened man and a good patriot, anxious to secure by constitutional means the happiness and welfare of his country. He was, however, on that very account, soon removed from office, and his place was taken by a man of a very different description. The present Minister of Greece, Coletti, was educated in the school of Ali Pacha of Jannina, where he had imbibed principles very different from those which would fit a man to administer a constitutional system. For a considerable time past Greece has, step by step, been falling into a state of the most dreadful anarchy. The constitution has been virtually set aside; arbitrary acts of power have been practised everywhere. Elections took place for a representative assembly; but in many places these elections were controlled by an armed force employed for that purpose by the Government; and where the Government was not able to control the elections at the hustings, the members who had been duly elected were set aside by the arbitrary decision of a Committee of the Chamber, appointed unconstitutionally by the Government, expressly for the purpose of expelling every man who was hostile to the Government. Judges have been dismissed because it was thought they would administer the law with justice; others have been transferred from place to place, as best suited the interests and views of the Government. The liberty of the press has been shackled. Tyranny of the most grievous kind has been exercised on the people. The regular army has been disbanded, and in its place bands of palikars—robbers and plunderers, have been employed under the orders of the Government. The most dreadful excesses have been practised upon the unfortunate people. Torture has again been used—a practice that existed before the constitution was formed; and Gentlemen in this House will hardly believe that in a Christian country, and amongst a people that profess to be a civilized nation, such abominations could take place as those that have been practised in Greece. This was the mode of proceeding used before the constitution, and I believe it is now repeated for the same purposes. When vengeance is intended to be taken on a village, either on account of the absconding of conscripts, or for supposed excesses committed by an individual, a number of the inhabitants are seized; some are suspended by the feet, swung like a pendulum, and beaten as they are swung; some are tied by the hands and feet, and a ramrod run through the calves of their legs: some are laid on their backs, and a great heavy stone placed on their chests, and there they are left to struggle till they are nearly suffocated, and until life is almost extinct. These facts cannot be denied; and to such a pitch have these

barbarous proceedings been carried, that wild cats have been tied up in the loose dresses of the peasant women! The man Tyinos, who has been the great actor in these cruelties, is now under the protection of the Greek Government. These things are still going on. I hold in my hand a petition from a certain number of persons in Mycarne, who state that they themselves were the victims of proceedings of this kind; that fifty members of their village were carried off by a band of Palikari, and subjected to this torture, and to these atrocious proceedings. Of course the revenue of the country is squandered upon these armed banditti, and the regular service of the State is left in arrear; the interest of the debt is thrown on the three allied guaranteeing Powers, and no effort whatever has been made towards payment by the Government of Greece. Now, I should like to ask Her Majesty's Government why they have not at length insisted on the execution of that Treaty stipulation by which the Government of Greece were bound to apply to the payment of the interest of their debt the first produce of the public revenue? That was the condition of the Treaty of 1832. I am not certain whether, by some subsequent arrangement, specified branches of revenue were to be appropriated to the purpose. But whichever of the two arrangements is now in force, we are entitled to exact compliance with it. The Government of Greece should be compelled to have recourse to every method of economy; and no method of economy is so certain in its effects, as to put in offices of trust honest men who will not abuse the power that is given to them. I say, therefore, that we are entitled, both in our capacity of creditors of Greece, and in our capacity of guaranteers of the independence and integrity of Greece, to give strong advice, and to make urgent representations to its Government on these matters. I have stated the nature of the disorders that prevail in Greece; there is no security for life and property in any part of the kingdom; and assassinations occur even in the very capital of the country. But these depredations are not confined to Greece and Greek subjects. There is an organized system of rapine established on the Greek frontier, to be exercised on the neighbouring districts of Turkey; and thereby the most serious differences are liable at any time to arise between the Turkish Government and the Government of Greece. Therefore, we who are the parties that guaranteed the independence of Greece, and who may be called on to defend Greece, if she be attacked by the Turks, have a right to require that the Greek Government shall abstain from proceedings which are so calculated to bring them into collision and hostility with the neighbouring country. Now, perhaps, I shall be told that all this has arisen from the struggle which is constantly going on in Greece between the various parties who range themselves under the standard of different Foreign Powers. I shall be told that it is owing to the disputes between the "English party," and the "Russian party," and the "French party." What Russian party or French party there may be, it is not for me to say; but I do take upon myself to assert that an English party there is not, never has been, never will be, and never can be in Greece, any more than in any other independent country in the world. Sir, we want no party in any country. The English party in Greece—that which is called the English party in Greece—is that which was the English party in Spain, and which is the English party in every country in the world with which we have any relations, or in which we can exert any influence; it is the national party; it is the party who look only to the interests of their own country; and it is only according as any party in a foreign country are animated by such feelings, that we can have any motive for supporting or assisting them in our relations with them. Why what earthly advantage — English advantage—can we expect or wish to obtain from Greece? I am sure I speak not only for the late Government, but also for the Government that now exists, when I say, that the only interest which England can have to consult in its relations with Greece, is to give such support and countenance as we can properly give to parties in a foreign country — to those men who are best calculated and most disposed to promote the welfare and prosperity and political independence of their own country. But then it is said that there is a struggle between these parties; that Mavrocordato was considered as the representative of the English party, and that his dismissal was wholly and solely upon that account. Now I am quite sure that Mavrocordato would repel with disdain the imputation of having exercised

any influence, or of having entertained a wish, to serve the views or objects of any foreign country, if those views did not promote the interest and independence of Greece. Colletti, to be sure. may also suppose that he is promoting the interest and independence of Greece. He may imagine that constitutional governments are very bad things, and that by driving the Greeks to despair, and creating discontent and dissatisfaction throughout every part of the country, he may produce outbreaks which will tend to make men believe that the Greeks are unfit for constitutional government; and that he and that party who wish to establish arbitrary power will then be able to appeal to experience for the purpose of showing that their system of government is the only one suited to the present condition of the people of Greece. But such an opinion would be utterly unfounded, because any man who has attended to the course pursued by the Greek Assembly in establishing their constitution, will admit that it was impossible for any men of any nation to show themselves more deserving of the liberties and privileges they thereby acquired. I cannot believe that the Government of France can really partake in the views which alone appear to to me as offering an explanation of the conduct of Coletti. What possible interest can France have in crushing the rising liberties of Greece? What possible interest can France have in preventing Greece from gaining that degree of prosperity and happiness which its limited extent permits it to acquire? Greece never can become formidable among the Powers of Europe. Her small size prevents it—her limited population and her geographical position prevent it. Greece never can be anything but a prosperous, commercial, and intellectual community. That she will be; and I think that the French nation, who attach such value to the constitutional liberties which they have acquired, ought to sympathize with the people of Greece, and, instead of desiring to support any faction which endeavours to overthrow the constitution and to tyrannize over the people, ought, on the contrary, to wish for the maintenance of Grecian independence, and desire to see the Greeks enjoy those constitutional blessings which the French pride themselves upon. I would urge Her Majesty's Government to appeal to the French Government on this matter, to press upon their attention the horrible cruelties and abominable abuses which are now going on in Greece, and to remind them of the obligations which France, as well as England, has contracted by the Treaty to which France, as well as England, is a party; and I cannot but believe that if England and France were cordially to unite, not caring about the name of the individual who may act as Minister, and casting aside all those little jealousies and petty vanities which sometimes are permitted to influence the conduct of the agents of Governments, and were to express a firm determination that order should be re-established in Greece, and that the constitution which has been granted, according to the promise of the Three Powers, should not be set aside by the unjustifiable exercise of arbitrary power (and I cannot persuade myself that Russia would not also concur in such a course)—I sincerely believe that such joint efforts would be successful. But even if we are left to act alone, we are entitled to demand the execution of the Treaty—we are entitled to demand that the first produce of the revenue shall be set aside for the payment of the interest of that portion of the debt which we ourselves have guaranteed; and I think that a display of energy and firmness on the part of Great Britain in that matter, would not fail to have the best, the most desirable effects on the course of events in Greece. It may suit the views of those who labour to produce disorganization in foreign countries, to represent England as anxious everywhere to establish political ascendancy; but, Heaven knows, the alarm of these people, if there be any who entertain such alarm in sincerity, must by this time have pretty well abated; for, as to "political ascendancy," or influence in any part of the world, of that charge the present Government of England may be most entirely acquitted. But the people who make that charge, make it with an utter ignorance of everything belonging to the political condition and possible views of England. We cannot be like the old Romans, whose motto was, *Regere imperio populos*. England never can look—the feelings of the country never can permit that we should look—to foreign conquest, or endeavour to obtain political influence, other than that which is for the good of the country in which such influence may be exercised. I can quite understand that when we may have the misfortune to be at war with a great Foreign Power, we might then endeavour to establish an

English party in the Cabinet of a third Power, whose aid we might look for in the course of hostilities; but in time of peace, we can look for no political influence except that which is beneficial to those over whom it is exerted. I consider the love of conquest by war as one of the distinguishing marks of a barbarous age: in proportion as nations advance in civilization, in that same proportion they cease to think it a glory to inflict upon their neighbours that greatest of all wrongs which consists in conquest by violence; they cease to seek glory by conquest. They aspire to those greater glories which consist in the cultivation of the arts of peace. It is in the spirit of the people of this country, and it ought always to be in the spirit of the Government of this country, to endeavour, as far as the political influence of England may extend, to take care that such influence shall be exerted to protect the weak, to rescue the oppressed, to extend civilization, and to confer, as far as we are able to do so, the blessings of peace, independence, and happiness upon all nations with which we have any relations whatever. I say, then, that there ought to be no jealousy with regard to England in the minds either of the French or of the Russian Government; that in Greece there is no conflict of foreign interests; that we have no selfish objects to pursue; but that we are bound, in the performance of a duty, to exert all the influence which either Treaties or our political position may give us, to secure happiness to the Greeks under an independent and constitutional Government—to confer which upon the Greek nation was the object, as it ought to be the result, of the Treaties of 1827 and 1832. Sir, I have no Motion to submit to the House upon this subject. I could not see that which I have read in the newspapers of the atrocities now going on in Greece, and permit the Session to pass over without offering some observations thereupon to the House. I have no doubt that the Government shares in the anxiety which I myself feel; but I have a doubt as to the energy with which they will give effect to their feelings. I trust, however, that I may be mistaken; that they will do that which I think they may do successfully; and that the Greek nation having, in the first place, owed greatly to this country the establishment of their independence as a free and separate nation, may also owe to us the further obligation of being secured in the enjoyment of those constitutional privileges which have been conferred upon them with the sanction and concurrence of their Sovereign.

Mr. *Baillie Cochrane* said, it was now only two years since a change took place in Greece which astonished the whole of Europe. He did not use the term "revolution," because the people themselves disclaimed it, declaring that they had only asserted their just and unalterable rights. He was no advocate for appeals to the people, or declarations of right; but he conceived that to Greece must be applied very different principles to those which should regulate other European organizations. She had shaken off the yoke of Turkey, and whatever might be our opinion of the advantage of preserving the integrity of the Ottoman empire, she had exercised her sovereignty of Greece with as much violence as she had used in its attainment. The independence of Greece was acknowledged in most flattering terms by the great Powers. They were supposed to be consulted in the selection of a Sovereign. Every proclamation exhorted the Greeks to rally round their glorious constitution, to cherish their liberties. King Otho was received with all the enthusiastic confidence of a people who, when they lost their original power, still retained their original greatness of mind. It was a glorious dawn for a young nation. Every heart warmed at the idea of giving back happiness to that country to which we were indebted for the first rudiments of art and civilization. But the feeling was very general, that no man ever ascended the throne under happier auspices. His own language on assuming the Government was, "Place your trust in me, O Greeks, as I place mine in you; then will your happiness and intelligence be augmented." He would in courtesy extend to the King of Greece the same great elemental principle, that "the King can do no wrong," which was the basis of constitutional monarchy; nor would he be wanting in that respectful language which should always be heard at the footstool of the throne in the few remarks with which he should trouble the House. He should assume that the King, equally with the people, was the victim of a low intriguer—the victim of M. Coletti. That was not an exaggerated term. He would appeal to any hon. Member who was in communication with Greece, whether the accounts from that country of M. Coletti's conduct

did not fully bear out his assertions? In this country of well-regulated and established institutions, it was impossible to conceive the excesses which had been practised upon the people under the authority of the Government. The barbarities exercised under orders were so atrocious, that the officers in command declined to enter into particulars. In one of the recent papers he read a letter from M. Crieyis, Governor of Etolia, a man not too well disposed towards the moderate party; from that letter this was an extract:—

"After having presented this statement to the Minister, it is now my duty to observe to him, that it is absolutely essential the Government should take prompt and efficacious means to remedy this state of things, or otherwise I request the Government to accept my resignation; because it is repugnant to me to remain in the government of a province where the other officers in command, whether designedly or unintentionally, exercise such gross violence, that they excite the population to acts of rebellion, compel them to take up arms against the Government—anything to relieve themselves from that oppression, personal, material, and moral, with which these officers endeavour to crush them."

That extract gave them great insight into the case. The people were driven to violence, so that their conduct might convey an impression to Europe that their nation was not fit for constitutional government. From all accounts, that appeared to be the real sense of M. Coletti's policy. And now, who was the fountain-head of all this mischief? He was well known to all Greece as M. Piscatory. M. Coletti was the mere tool in the hands of the French Minister. Even so far back as 1841, M. Piscatory boasted, "He had overthrown the English party of Mavrocordato, and established the French Government of M. Christides." Now, he must humbly suggest, that it was most pernicious policy for any foreign Minister to embark in intrigues in the view of overturning any particular Government. To speak of French influence, English and Russian influence, was insulting to the country. He appealed against M. Coletti's Government, because it was absolutely noxious to the country; because it heaped insults on the heads of those among our countrymen who sacrificed themselves in the war of independence; because it set aside all British interests—the interests of those who were, after all, the chief supporters of the Greek cause. He looked to M. Mavrocordato, because he was universally acknowledged to be the ablest statesman in that country, and far superior to all those petty party distinctions which were so paramount in the consideration of inferior men. At the period when the negotiations were carrying on between MM. Coletti and Mavrocordato, the latter insisted on the necessity of forming a coalition of all parties, as the only method which could give stability to the Government. Now, let them fairly consider M. Piscatory's conduct in April, 1844. He was of Sir E. Lyons' opinion, that any Ministry which did not comprehend MM. Mavrocordato and Coletti, would be imperfect. He said of M. Coletti, "It is evident that M. Coletti is not fit for a regular Government." What, then, was the cause of the sudden change in M. Piscatory's policy? Why, the attacks of the French press, which, with that jealous vanity which was the great instinct of the nation, charged him with weakness for allowing M. Mavrocordato to remain in office; moreover, at that time some little misunderstanding between the two Governments arose. M. Piscatory thought he would anticipate events, and become one of the great leaders of the war party; and, therefore, that he could never sufficiently entangle the affairs of Greece. Those were considerations which made him take so active a part with M. Coletti—driving him in his own carriage to the council chamber, and showing his interference in the most public and officious manner. And how had this Government, supported by French influence, the offspring of French intrigue, conducted themselves? He had mentioned the atrocious conduct of some of the subordinates of the Government; one-third had been expelled at the will of the Minister, and it was now proposed to create twelve new members of the Senate. General Grivas, a notorious rebel, who commanded a troop of brigands, and had been exiled to Constantinople by Mavrocordato, was released by M. Coletti, and made commander of the forces. The town of Athens was full of irregular troops, who lived by the wildest excesses. There was a perfect stagnation to commerce. The provinces were in revolt, the Chambers controlled by illegal means, the national lands were seized and distributed to all the most worthless; and if the statue of Law was not wholly overthrown, it at least tottered to its base. Promotion through every grade was lavished without measure or selection, save that of the most licentious;

for it was the reign of license. Such was the condition of a country which we fostered, over whose growth and education we pledged ourselves to watch; and yet the blame was not to us; all had been done by Sir E. Lyons that could by any possibility avert these calamities. In the pages of the history of modern Greece, some gallant British names were chronicled; and what had been the fate of those who made every sacrifice for the land of their adoption? Take the case of General Sir Richard Church, a name which would remain in Greece when his persecutors would be forgotten, or only remembered with scorn. General Church was a distinguished officer in the English service, and sold his commission in order to enable him to devote his money to the Greek cause. Had General Church not convoked the Council of State after the 3rd of September, the King was lost; and the Council, had it not been for the influence of Sir Richard Church and Sir Edmund Lyons, were prepared to propose such terms as would have compelled his abdication. And now, after all that, the conduct of the Government was so insulting, that Sir Richard was compelled to resign all his offices. Sir Edmund Lyons, whose exertions for ten long years had been devoted to the real interest of Greece and its Sovereign—who during that period had never once returned to England—after ten years of absence, and ten years of unremitting toil, found all his efforts were fruitless. But Sir E. Lyons and Sir R. Church had gained that saddest of all rewards—the affection of the natives among whom they resided—the approbation of their Sovereign. That approbation, so strongly expressed by the right hon. Baronet at the head of Her Majesty's Government, had filled them with gratitude. Sir R. Church but a few days since wrote to him (Mr. Cochrane) thus:—

"You placed me in the most enviable position in the world—that of receiving the approbation of my conduct by the Prime Minister and my countrymen. It was, indeed, the proudest moment of my life when I read that the mention of my name was received with approbation there, and which so amply repaid my wounded feelings. I wish I could convey my feelings in a suitable manner to Sir R. Peel and the Members of the House."

Such a man might be deprived of his honours, but never lose his honour. It might be asked, where was the utility of commenting so earnestly on the conduct of M. Coletti and his hirelings? Could the Government interfere? Were they justified in requiring that a Minister should be appointed worthy of the nation and possessing its confidence? Would such interference be regarded with jealousy by the people themselves? These were vast considerations, on which it would ill become him to venture an opinion. The influence of M. Piscatory was secretly exercised. Like the mole he worked in the dark, and in the dirt. What representations, then, could be made, what rules enforced, which might not be evaded? Under no circumstances could it be viewed as a *casus belli*, for it could not be doubted that the Government of this country were considered in Greece their best friends, and whose kindness had been proved on many occasions; but there was not a reasoning man who did not see the difficult position in which they were placed. The very name of English, French, and Russian influences was odious to the pride of the Greek nation. But, even though the Government must remain silent, he still was rejoiced that the noble Viscount had directed the attention of the House to the present condition of that country; people who perhaps were wont to take but little interest in foreign affairs could at least know the poor result of all our exertions; and it might shame the French Government into a course of conduct more worthy of themselves. He had visited the country on different occasions, and had always left it with regret; and if ever he should again visit it, he should hope to find still undiminished the confidence which the nation placed in the good faith, the generosity, and the sympathy of Her Majesty's Government.

Sir *R. Peel:* Sir, I quite admit to the noble Lord that this country does stand in special and peculiar relations towards Greece. We are responsible for the foundation of that kingdom, which was established on the separation of Greece from Turkey, and upon that account this country must always feel a special interest in the prosperity and good government of Greece. We are also guarantees of the integrity of that kingdom, and we are, therefore, specially answerable that the course of Government in that country shall be such as not to provoke just reclamations from other Powers, and submit us to the obligation of defending Greece from the attacks of foreign countries. We stand also in another relation to Greece—the relation of a public creditor. We have advanced the money of this country towards the establishment

of an independent Government in Greece, and the debt contracted by Greece has not been repaid. As, therefore, guarantees of the integrity of Greece, as having acted liberally towards her with respect to pecuniary matters, and Greece having contracted obligations towards this country which she has not been able and willing to discharge—on all these accounts it is impossible to deny that this country is peculiarly interested in and has a special right to interfere in the affairs of Greece. At the same time it is most desirable that we should reconcile the fulfilment of the obligations which Greece owes to us, with that which was our paramount object in interfering at all—namely, the maintenance of self-government, and of the integrity and independence of that country; and we ought, therefore, to be very careful that, in enforcing the engagements upon Greece which we certainly have a right to enforce, we do not destroy that which was our paramount object in interfering at all, namely, the power of Greece, by the administration of its own affairs, ultimately to acquire the position of an independent State. No one could have witnessed with more satisfaction than I did—and I am sure in this I speak the feeling of the whole Government — the prospects that opened in Greece when despotic rule terminated in that country, and, through the exertions of its own inhabitants a popular and constitutional form of Government was established; and though we felt it incumbent upon us to institute proceedings to insist upon the satisfaction of those engagements into which Greece had entered to us, though we had long complained of the non-fulfilment of those engagements, and had declared to Greece that the period had arrived when we could remain indifferent and passive no longer, still as we were interested in the establishment and maintenance of a popular and constitutional Government in Greece, a Government founded permanently on sound principles, on principles likely to insure the permanent prosperity of Greece, we were unwilling to press hardly upon her, and were most unwilling also to interfere with the acts of that Government in its course of reform, by pressing too eagerly for the fulfilment of those engagements by which she is bound to us. Therefore we have unwillingly consented to the postponement of those engagements into which Greece has entered for the payment of the debt due to this country. I admit that we have the right, under our Treaties with Greece, to enforce the payment of this money, and I am aware of the strong power the Government of this country have in their hands, in case of non-payment, to enforce it. I know we have the power, and the Government of Greece ought to bear it in mind. We have the power by our own separate and independent act, without reference to what may be the intentions of the other Powers who are parties to the same engagements. We have the right to call for the immediate payment of the debt due to us, and of enforcing it by taking possession for ourselves of portions of the revenues of Greece. At the same time the House will see that we could not resort to that extreme power which we possess under the Treaty, without bringing on a crisis, fatal, perhaps. to the existence of that popular form of Government in Greece, which we have been instrumental in creating, and which we are anxious should continue. I will not go into any discussion of the conditions under which we are entititled to exercise that power; there can be no doubt, however, that the power exists; and it is wholly from the influence of the motive I have referred to, by which we have been guided from the first—the desire to see Greece possessed of a Government that should command the confidence of its subjects, and which should be enabled to lay a foundation for the permanent prosperity of that kingdom, that we have refrained from exercising that power. The House will readily understand that I have not the same desire which is felt by the noble Lord and the hon. Gentleman who last spoke, of discussing the merits of particular individuals. I may as well as others have strong feelings on the subject. I may have my own particular sentiments as to the conduct of this or that public man; but, as the Minister of England, I feel that the proper duty of the Executive is to make such representations to the Government of Greece, as we believe the duty imposed on us require; but, acting with a desire to respect the integrity of Greece and the independence of its Government, I feel that it is not my duty to pronounce any opinion in this House of the conduct of M. Coletti, or the acts of his Government. If I was to

discuss here the conduct of Mr. Coletti, or of M. Mavrocordato, or the policy of this or that Foreign Minister, or if I were here to go into the consideration of the question of why this or that man was turned out of office, or why this or that man was appointed, there is no limit to the extent of the discussion which might, and doubtless would, be provoked as to the conduct of Foreign Governments, and which would extend not merely to Greece, but to every other country with which we have diplomatic relations. And, upon the whole, nothing could be more unsatisfactory than such discussions, and nothing would less conduce to the maintenance of amicable relations between great countries than that their respective Ministers should be liable to be called upon in great representative assemblies like the House of Commons to enter into reciprocal discussions—for that they would be reciprocal there can be no doubt, as to the conduct of particular Ministers, and the acts of particular Governments. I abstain altogether, therefore, from commenting on the conduct of individuals who have been, or who are now, connected with the Greek Government, or of the acts of that Government. Those matters have formed the subject of representations from Her Majesty's Government to the Government of Greece, and that is the proper mode of proceeding. I may, however, be permitted so far to transgress the rule my duty compels me to observe, as again to repeat, that the conduct of the Government of Greece, and the conduct of Greece towards the distinguished man who has been alluded to already to-night — I mean General Church—does involve, on the part of the Government of Greece, and on the part of that country, if it approve of the act, a liability to the charge of having been guilty of as base an act of ingratitude as I ever heard of being perpetrated. I believe General Church is too proud to make any complaint, and he may rest satisfied that no dismissal by the Government of Greece can affect his high and unblemished character, or lessen the importance of his services in the eyes of Europe. It is some consolation also to know, that the real sufferers from such acts as those of which General Church has been made the victim, are not the objects of them but their authors. The noble Lord must, for the reasons I have stated, excuse me if I decline following him into the details into which he has entered. As I said before, these are subjects which are fit matters for representation and remonstrance between the Executive Government of one country and another, but they are not fit matters for discussion on my part in this assembly. The noble Lord has laid down a rule as to what should be the character of our interference with Foreign Governments; but he must excuse me for saying that his rule is not very distinct or definite. The true way for England to obtain influence with foreign countries, and to retain that influence, is to do justice to all countries, and to show itself superior to all views of mere self-interest, and to disclaim the ever-meddling and mischievous policy of dictating to any other country who shall be its Minister, and of requiring the dismissal of those who are supposed to be opposed to our interests, and the appointment of those who we may imagine are friendly to us. Let us exact from foreign countries only what we have a right to exact; and let us render strict justice to all, and I, for one, shall never despair of England obtaining by those fair and legitimate means every influence over foreign countries that it is becoming the character of a great country, or worthy of this country, to possess. It is true we may occasionally hear of the influence of some other country being predominant to-day; but, with respect to Greece, all I can say is, that if any Foreign Government has brought about the present internal condition of Greece, I wish that Government joy of its influence. I hold that our position, in the confidence of having attempted no such interference, is a proud one, and a position which will ultimately most conduce to the permanent influence of this country and the prosperity of Greece. But the noble Lord says that no country ought to be jealous of the interference of England, as we never interfere but to promote the accession to power of those who are known to be most deeply interested in the prosperity of their own country, and our only object being to promote the welfare of the country which is the object of our interference. Why, that is the excuse which every country would make. No country would be so unwise as to say we interfere to promote our own interests. The most meddling countries profess in their interference to have no object in view but that the best and most patriotic man should be the Minister, and that he should pursue the well-defined and well-understood interests, not of the particular country that interferes to appoint

him, but of the country of which he is the Minister. There is no end of the declarations on the part of such countries that any interference of theirs with the government of other countries is most unwarrantable and unselfish, and that the Government with which they interfere ought to be most grateful on account of the interest which has dictated the interference. Therefore, I say, the rule laid down by the noble Lord is not sufficiently defined to justify its adoption. In the general principle for which he contends, I fully concur, namely, that it is our true policy to seek for the establishment of no English party in foreign countries, but to establish English influence by the manifestation of a desire to promote commercial prosperity, and to promote the real welfare of the people. That, I believe, is the foundation of true influence, and that is the influence which England seeks to obtain, and which England, by pursuing that course which she has hitherto adopted, will obtain. The noble Lord says there never was a period when England possessed less influence abroad. If he mean that influence which arises from a mischievous, active, and constant intermeddling with Foreign Governments—the directing who shall be Minister, the continually watching and spying into every act of Foreign Governments — if he meant that, we have not influence founded upon such a basis. I admit it. But if he mean there never was a time in the history of this country and of the world, when the influence of England, founded upon a confidence in justice, and a respect for our power, was less, I offer to the noble Lord a denial as distinct as his asseveration. And on account of the period of the Session, and the state of the House, I will follow his example, and allege no proof of what I assert; but I trust the House, in its desire to be relieved from further attendance, will place my asseveration against that of the noble Lord, and rejoice that neither I nor the noble Lord could have adduced any of the facts upon which our respective assertions are founded.

JOINT STOCK BANKS (SCOTLAND AND IRELAND).] The *Chancellor of the Exchequer*, on withdrawing the Joint Stock Banks (Scotland and Ireland) Bill, stated that he should bring forward a general measure on the subject next Session, for the purpose of rendering joint-stock banks in Scotland and Ireland subject to the regulations of similar banks in this country under the provisions of the Bill of last year, and wished, at the same time, to give notice to those joint-stock banks which might be established between the end of the present Session and the beginning of the next, that they would be included in the operation of that measure. He gave this notice in order that parties might not be taken by surprise

Bill postponed three months.

House adjourned at eight o'clock.

HOUSE OF LORDS,

Saturday, August 2, 1845.

MINUTES.] BILLS. *Public.*—1ª. Naval Medical Supplemental Fund Society; Fees (Criminal Proceedings).

3ª. and passed:—Customs Laws Repeal; Customs Management; Customs Regulation; Smuggling Prevention; Shipping and Navigation; British Vessels; Customs Duties; Warehousing of Goods; Customs Bounties and Allowances; Trade of British Possessions Abroad; Isle of Man Trade; Coal Trade (Port of London).

Private.—2ª. Eastern Counties Railway (Cambridge and Huntingdon Line).

Reported.—London and Croydon Railway Enlargement.

3ª. and passed:—Dublin Pipe Water; Shuldham's Divorce.

HOUSE OF COMMONS.

Saturday, August 2, 1845.

MINUTES.] BILLS. *Public.*—3º. and passed:—Waste Lands (Australia); Fees (Criminal Proceedings).

Private.—1º. Shuldham's Divorce.

Reported.—Earl of Powis's (or Robinson's) Estate.

PETITIONS PRESENTED. By Mr. J. Fielden, from several places, in favour of the Ten Hours System in Factories.—By Mr. Sheridan, from Richard and James Keynes, of Shaftesbury, for Inquiry into their case.

HOUSE OF LORDS,

Monday, August 4, 1845.

MINUTES.] BILLS. *Public.*—2ª. Fees (Criminal Proceedings); Turnpike Roads (Ireland); Municipal Districts (Ireland); Naval Medical Supplemental Fund Society.

Reported.—Removal of Paupers; Borough and Watch Rates.

3º. and passed:—Commons' Inclosure; Taxing Master, Court of Chancery (Ireland); County Rates.

Received the Royal Assent.— Customs Laws Repeal; Customs Management; Customs Regulation; Smuggling Prevention; Shipping and Navigation; British Vessels; Customs Duties; Warehousing of Goods; Customs Bounties and Allowances; Trade of British Possessions Abroad; Isle of Man Trade; Stamp Duties, etc.; Compensations; Bills of Exchange, etc.; Administration of Justice (Court of Chancery) Acts Amendment; Real Property (No. 2); Militia Pay; Testamentary Disposition, etc.; Bonded Corn; Lunatics; Masters and Workmen; Coal Trade (Port of London); Stock in Trade; Joint Stock Companies (Ireland); Railways (Selling or Leasing); Darby Court (Westminster); Land Revenue Act Amendment; Waste Lands (Australia); Poor Law Amendment (Scotland); Criminal Jurisdiction of Assistant Barristers (Ireland); Grand Jury Presentments (Dublin).

Private.—1ª. London and York Railway.

Reported.—Marquess of Westminster's Estate; Bristol Parochial Rates; South Eastern Railway (Deal Extension); Eastern Counties Railway (Cambridge to Huntingdon); Brighton, Lewes, and Hastings Railway (Hastings, Rye, and Ashford Extension).

3ª. and passed:—London and Croydon Railway Enlargement; Bristol Parochial Rates; Marquess of Westminster's Estate.

Received the Royal Assent.—Leeds and Bradford Railway Extension (Shipley to Colne) Mistake Rectifying; Glasgow Junction Railway; Birmingham and Gloucester Extension Railway (Stoke Branch); Oxford, Worcester, and Wolverhampton Railway; London and South Western Railway; South Eastern Railway (Greenwich Extension); Londonderry and Coleraine Railway; Oxford and Rugby Railway; Erewash Valley Railway; South Wales Railway; Monmouth and Hereford Railway; Glasgow, Barrhead, and Neilston Direct Railway; Dublin Pipe Water; Duddeston and Nechells Improvement; Yoker Road (No. 2); White's Charity Estate; Ellison's Estate; Rochdale Vicarage (or Molesworth's) Estate.

Petitions Presented. From James Flynn, of the Clonmel District Lunatic Asylum, for the Insertion of certain Clauses in the Lunatic Asylums (Ireland) Bill.—From Tradesmen of Bristol, and several other places, in favour of the Small Debts Bill (No. 2).—From Board of Guardians of the Navan Union, for the Insertion of certain Clauses in the Tenants Compensation (Ireland) Bill.—From Churchwardens, Overseers, and Guardians of the Parish of St. George's in the East, against Removal of Paupers Bill.—From Board of Guardians of the Dundalk Union, respecting the Electorial Division of Unions (Ireland).—From Thomas Willis, of Upper Ormond Quay, Dublin, against the Dublin Pipe Water Bill.

South Eastern (Deal Extension) Railway.] Bill reported specially from the Select Committee, without amendment.

The Marquess of *Clanricarde* moved that the Bill be recommitted, for the purpose of having duly investigated before it the objections to the Bill, which a Mr. Mourilyan, by his petition, prayed to be heard in substantiation of, but which the Select Committee had, according to his statement, refused to attend to. Those objections, the petition set forth, were to the contract deed, to the traffic tables, and to the direction of the line itself, the peritioner being prepared to suggest a much better one in all respects.

Lord *Redesdale* said, that the Committee had taken into its consideration the objections started by the petitioner, and found them altogether frivolous and vexatious.

The Earl of *Shaftesbury*, on the part of the Standing Orders' Committee, fully corroborated the noble Lord's statement as to the frivolous nature of the objections made by the petitioner.

The Marquess of *Clanricarde* withdrew his original Amendment, but moved that the evidence taken before the Select Committee on the Bill be printed.

Their Lordships divided:—Content 1; Not-content 37: Majority 36.

Taxing Masters, Court of Chancery (Ireland) Bill.] Order of the Day for the Third Reading read. Bill read 3ª.

The Earl of *Wicklow* rose to move an Amendment. The Bill professed to assimilate the law in England and Ireland; and yet, though according to the English Bill, the Office of Taxing Master in the Court of Chancery was confined exclusively to solicitors of twelve years' standing, in the Irish Bill no qualification was specified for the same office. He therefore proposed, with the view of assimilating the law in both countries, that the persons to be appointed to the office of Taxing Master under this Bill should be solicitors having practised in the Court of Chancery for twelve years.

The *Lord Chancellor* said, that the Bill had been approved of by the Lord Chancellor of Ireland, and he would be responsible for the appointments. He did not think that solicitors ought to have the exclusive right to appointment to this office. Nineteen-twentieths of the business of the Taxing Master was mere matter of routine, and could be performed by any man of common sense and education; if a question of principle arose, a barrister was even a more competent person to decide on it than a solicitor. In the Common Law Courts in England the majority of persons filling the office of Taxing Master were barristers, and this was also in a great measure the case in the Courts of Equity; and, taking all the Courts together, the majority was composed of men who had practised as barristers. In the Court of Bankruptcy, it was left to the option of the Lord Chancellor to appoint either a solicitor or a barrister. The solicitors wished to be appointed to certain offices, amongst which was that of the Accountant General of the Court of Chancery. In England no person was appointed to such an office but a person of high legal learning and experience. Another office was that of Examiner in the Courts of Equity. Should solicitors be selected to that office to the exclusion of barristers? Why, how much better was a barrister qualified to examine a witness than a solicitor! Besides those two offices, and that of Taxing Master, there were some others. He must contend against

the exclusive principle, and hoped the appointment of these officers would be left to the judgment of the Lord Chancellor of Ireland.

Lord *Cottenham* said, that his noble and learned Friend on the Woolsack, was quite right in saying that a barrister would be a better examiner of witnesses than an attorney, because that was a business to which he was accustomed. Now, an appointment such as that under this Bill should be conferred on a person whose past duties were as nearly as possible similar to those of the office of Taxing Master. Now, it was notorious that a barrister knew nothing of costs, as he had nothing to do with them; while an attorney lived throughout the whole of his career in costs. The objection of his noble and learned Friend to the Amendment was, that it would exclude barristers; but as the Bill now stood, not only barristers might be appointed, but a coachman or footman, or any other person the Lord Chancellor might choose to patronise. He, in the course of his professional career, had on a few occasions to argue cases of costs, and he confessed that nothing had given him more trouble; but on each occasion he had to learn his lesson, as matters of this kind seldom or never came under his attention. He was surprised at the course his noble and learned Friend now took, since by the Bill of 1842 he admitted that attorneys were the qualified persons for the office in question, and the only qualified persons, barristers not being mentioned at all. Were he to ask any barrister in Westminster Hall if he could sit down and tax a Bill, he should be answered in the negative. If their Lordships wished to have barristers appointed to perform a duty of which they knew nothing, they would oppose the Amendment; but if in this case they wished to do "justice to Ireland," they would agree to it.

The *Lord Chancellor:* The form of the Amendment will give these appointments to solicitors and attorneys exclusively.

Lord *Campbell* said, he strongly suspected that there was a job at the bottom of this Bill. His noble and learned Friend on the Woolsack had made a most ingenious speech, which he was able to do on any occasion, and in support of any cause; but probably he had so acted at a suggestion from a highly respectable quarter. But his noble and learned Friend had not answered the question of the noble Earl (of Wicklow), why should there be a difference made between England and Ireland in this matter? By the Bill of 1842, of which his noble and learned Friend approved, the office was limited to attorneys or solicitors of ten years' standing. He thought his noble and learned Friend would find that he was as ill qualified for the office of Taxing Master as himself or any Member of the Bar. Could his noble and learned Friend tell him whether the charge for taking instructions should be 3*s.* 4*d.* or 6*s.* 8*d.*, or what the charge ought to be for this item —"To dining with you, and having much conversation respecting your cause?" Would his noble and learned Friend consider the dinner as a set-off for the conversation? He thought his noble and learned Friend might spend much more than the long vacation in vainly trying to learn this business. With respect to the observation that some baristers were now taxing masters in the courts in Westminster Hall, he would remind his noble and learned Friend that most of them had previously been solicitors and attorneys, and therefore were qualified. He trusted that the noble Earl would persist in his Amendment and divide the House.

Lord *Stanley* admitted that he was not competent to discuss the duties performed by the officers in question, and would not attempt to dispute the opinion of the noble and learned Lord opposite, founded, as it was, upon that long experience which he had had in the Court of Chancery, Ireland, respecting the qualifications of the solicitors of Dublin. No doubt there might be found among them persons competent to the office; but the question was, whether the selection of persons for the office should be left to the Lord Chancellor of Ireland?—not to this or that particular Lord Chancellor, for the purpose of patronage or jobbing, as the noble and learned Lord had gratuitously assumed. The question was, whether they would leave it to the Lord Chancellor to appoint these officers from barristers and solicitors, or that the selection should be made exclusively from solicitors? For himself, he should be satisfied to leave the selection to the responsibility of the Lord Chancellor, on whichever side of the House he might sit; and he should impute no motive to any individual who filled that high office, whether he selected

the larger or the smaller number from one body or the other. The argument of his noble and learned Friend on the Woolsack was directed against confining the choice to solicitors. It appeared that high authorities differed as to whether barristers or solicitors were best qualified and most competent to fill this office. His noble and learned Friend on the Woolsack, and the Lord Chancellor of Ireland, considered barristers better qualified for the office; whereas the noble and learned Lord opposite thought that solicitors were better adapted for such an office. He hoped that he should be guilty of no offence if he placed his confidence in the opinion of his noble and learned Friend and the Chancellor of Ireland, rather than in that of the two noble and learned Lords opposite. He believed that his noble and learned Friend would not object to the Amendment, if it extended to barristers or solicitors of ten years' practice.

The Marquess of *Clanricarde* was not surprised at this measure, for it was in conformity with all their proceedings with regard to Ireland, and which had been productive of such excitement in that part of the kingdom. For his part, he believed that the Bill had been drawn with the view of some piece of patronage. He thought the insinuation thrown out against the attorneys and solicitors of Ireland would annoy and aggravate them. If there were the slightest ground for any such insinuation, it was still one which it would not be very prudent or very wise to make; but he begged utterly to deny that any such ground did exist. He would maintain that the solicitors of Ireland were as respectable and as intelligent a body as the solicitors of England. In fact, he knew them to be as respectable and intelligent as any class in any country in the world. He wished, therefore, to know why a distinction—always odious, but in this case particularly so—should be drawn between the solicitors of the two countries. Why should the solicitors of Ireland be deprived of any share in these appointments?

Lord *Stanley*: They have their chance under the Bill as it stands.

The Marquess of *Clanricarde*: They had a chance—but why should they not have a right? Her Majesty's Government had no influence in Ireland. There were influence and power possessed by the Repeal Association, and by a strong knot of Orangemen in that country; but in what part of the country, he would ask, was Her Majesty's Government strong, or possessed of influence? And yet they now came forward to insult gratuitously a class which was one of the most influential in all countries, but which was peculiarly so in Ireland. Every drop in the cup—already, he was sorry to say, extremely full of discontent and dissatisfaction—was of importance in the present condition of Ireland. The solicitors of Dublin did not ask for this matter as a boon or a favour. They demanded as a right to be placed on the same footing as the solicitors of England with respect to the provisions of this Bill. As the Bill now stood, the Lord Chancellor of Ireland might appoint his coachman, or his footman, or any person whatever to this office; and when they looked to the history of Ireland, it should not be regarded altogether as a gratuitous assertion to state that it was possible some English favourite might be brought over to perform the duties of the office. If they looked to the Church, or to the law, or even to minor officers, such as the appointment of architects under the Board of Works, they would find that Englishmen had been constantly preferred to appointments in Ireland, and yet he would, if allowed, wish to remind their Lordships that in this very profession of the law, when the question arose of bringing over a distinguished Irish lawyer to this country, of the feeling which was exhibited among the Members of the English Bar. Were the Irish solicitors, then, he would ask, not justified in looking forward to the possibility of an Englishman being brought over to fill this office? He had the honour of receiving more than one communication on the subject, and he knew the solicitors of Dublin to be extremely dissatisfied with the Bill as it now stood; and if his noble Friend had not moved his Amendment, he (the Marquess of Clanricarde) would undoubtedly have done so. He would conclude by again cautioning the Government against creating distinctions which would give cause for great dissatisfaction among a most influential and most respectable class, who might prove to be very dangerous enemies to the Government.

The *Lord Chancellor* wished to be allowed one word of explanation. He believed the solicitors of Ireland to be a respectable, and worthy, and able body; but

he, at the same time, felt that in legislating they ought to guard against the possibility of abuse.

Lord *Langdale* said, he believed that this appointment ought to be given to solicitors, who had peculiar qualifications in addition to others which they had in common with barristers; and he had no doubt but that there could be found among that class a sufficient number of men of ample integrity, influence, and respectability, and having the advantage of long acquaintance and familiarity with the subject, to undertake the duties of the office. He would not have broken through his general rule of not troubling their Lordships with any remarks, if direct reference had not been made to him by his noble and learned Friend the Lord Chancellor, in connexion with the Bill of 1842. He believed his noble and learned Friend entertained the same objection to that Bill on its first introduction which he now felt to the present measure, and that he had been anxious that the offices created under it should be open to barristers and solicitors of a certain number of years' standing. He (Lord Langdale) entered into discussion with the noble and learned Lord on the occasion, and his noble and learned Friend finally consented to have the appointments reserved exclusively for solicitors. He thought it would be a great deal better to adopt the Amendment of the noble Earl, than to continue the principle of the Bill as it now stood. In reference to what had fallen from his noble Friend (the Marquess of Clanricarde), he should beg to remark that it would not be open to the Lord Chancellor of Ireland to appoint a menial, or any such incompetent person to the office, as the Bill expressly stated that the appointment was to be given to a "fit and competent person."

The Earl of *St. Germans* said, the solicitors of Dublin were, undoubtedly, as they had been described, a very respectable and numerous body; but still it should not be forgotten that for every one solicitor practising in Dublin there were at least twenty in this metropolis, and therefore the comparison drawn between them did not exactly hold. He had very great pleasure in expressing his concurrence in what had fallen from the noble Marquess respecting the solicitors of Ireland being a very respectable body. At the same time, he thought it should be borne in mind that the exclusive appointment of solicitors to this office in England was confined to the Court of Chancery, and that noble Lords —if their argument were worth anything —ought to move for a measure to restrict all other Courts in a similar manner. With regard to the imputation cast upon his right hon. and learned Friend the Lord Chancellor of Ireland, he would venture to say that there was no man in that House who would be less capable of departing from the correct line of his duty for the purpose of appointing any connexion of his own, than was Sir Edward Sugden.

The Marquess of *Clanricarde* begged to remind the noble Earl who had just sat down, that though there was a disproportion between the number of solicitors in the two countries, there was also a difference between the appointments to these offices. In Ireland there was to be but one officer appointed under this Bill, while in England the number filling similar appointments was six.

The *Lord Chancellor* wished to remark, in consequence of what had fallen from his noble and learned Friend (Lord Langdale), that the Bill of 1842, as originally drawn, confined the appointments to solicitors, when he (the Lord Chancellor) had proposed to amend it by adding barristers of a certain standing. It was drawn, he believed, under the superintendence of his noble and learned Friend; and after more than one conversation between them on the subject, he (the Lord Chancellor) yielded with reluctance to his noble and learned Friend's opinion, and consented that barristers should not be included; but he did so solely in consequence of the great attention which that noble and learned Lord had given to the subject.

Lord *Campbell* said, he hoped his noble and learned Friend on the Woolsack would yield once more.

The *Lord Chancellor* said, if their Lordships decided on not passing this Amendment, it was his intention to propose another, that the office should be open to solicitors and barristers of a certain standing.

The Earl of *Wicklow* wished to remind his noble Friend near him (the Earl of St. Germans), that though the Bill of 1842 was, as he had stated, confined to the Court of Chancery alone, and did not include the Courts of Law, the present Bill was also confined to the Court of Chancery in Ireland. He would candidly confess

that he thought it was an act of madness on the part of Her Majesty's Government to persist in their opposition to this Amendment; and he could not bring himself to believe that his noble and learned Friend (the Lord Chancellor) would continue to do so. He and those who supported him merely required to assimilate the law in the two countries, and not a single reason had been adduced to show why that assimilation should not take place. Was it, he would ask, because the people of Ireland were unreasonable in some demands, that they were to be denied what was just and reasonable in others? He only asked his noble and learned Friend on the Woolsack to forego his opinion in this case, as he admitted he had done on another. If he did not, he would, he promised him, give offence, not only on his own part, but on that of the Government with which he was connected; he would be doing an act of injustice, and be creating disaffection among a most influential class in Ireland.

Their Lordships divided:—Contents 19; Non-Contents 30: Majority 11.

Amendment negatived.

The *Lord Chancellor* then moved an Amendment, that the appointment should be confined to barristers-at-law of not less than ten years' standing, or solicitors of not less than ten years' practice.

The Earl of *Ellenborough* said, he trusted some attempt would be made in the next Session to assimilate the law of the two countries in this matter.

Amendment agreed to, and other Amendments. Bill passed.

The late Piracy Case.] The Earl of *Fortescue* said, as he was upon his legs, he would wish to ask his noble Friend opposite (the Secretary for the Colonies) a question which he was aware did not come exactly within his Department, but on which he was, perhaps, prepared to give an answer. It related to the sentence which had been lately passed, at the assizes at Exeter, on seven foreigners, who had been there tried and found guilty of piracy. He understood there were some grave questions of international law involved in the case, and that doubts existed in the minds of a large portion of the legal profession, as well as of the public at large, as to the legality of the sentence. He understood a representation had been made by the Minister of Brazil to the noble Earl the Secretary of State for Foreign Affairs; and the question which he wished to put, in order to satisfy the anxiety existing in the public mind on this subject, was, whether Her Majesty's Government were fully satisfied of the legality of the sentence with reference to the question of international law involved in it, or whether it would not be better for them to advise that the prerogative of the Crown should be exercised for the purpose of suspending the execution of the sentence until they had satisfied themselves on the matter by the decision of all the Judges respecting it.

Lord *Stanley* said, however heinous might be the offence of which these foreigners had been guilty, he concurred with the noble Earl in thinking it desirable that there should not be the slightest doubt of the legality of the sentence. He had had a communication with his noble Friend since the noble Lord opposite had been kind enough to give him notice of his question, and he had to inform him that, doubts having arisen as to the legality of the sentence, the opinion of the Judges would be taken upon it, and of course the prisoners would be respited during the discussion.

Direct London and Portsmouth Railway Bill.] The Earl of *Hardwicke* moved the consideration of the Report of the Direct London and Portsmouth Railway Bill.

The Duke of *Richmond* proposed that the Bill be recommitted. The Board of Trade had reported in favour of the Guildford Line, and the Committee of their Lordships had decided in favour of the Direct London and Portsmouth line, without hearing the evidence in favour of the Guildford line. Such a course was contrary to the principles of English justice, and would establish a very bad precedent; he should therefore persist in his Motion that the Bill before the House be recommitted.

The Marquess of *Northampton*, as a Member of the Select Committee to whom the Bill before their Lordships had been referred, defended the course which the Committee had adopted. The Committee had made a Special Report, in order to enable the House to come to an early decision on the subject. They were anxious to have the directions of the House whether they should hear the

evidence in favour of the Guildford line or not. If the noble Duke had consented to have the evidence printed when the matter was brought before their Lordships nine days ago, the House might have come to a determination before this. Their Lordships would not now be justified in taking the decision of the case out of the hands of the five Judges, whom they had selected as disinterested parties, and who had decided that the promoters of the Guildford line had no *locus standi*. The noble Marquess proceeded to discuss the relative merits of the two lines, and contended that the course which the Committee had adopted was the only one, under the circumstances, which they could pursue. He should oppose the Motion of the noble Lord.

The Earl of *Devon* said, the Guildford line was not now directly before the House, but certainly Committees ought to have all parties before them, and to consider all proper information. The Committee in this case thought the conduct of the parties in question precluded them from being heard. There was a great difference between a Committee deciding after hearing all parties, and a Committee coming to a decision after excluding one of the competing plans.

The Earl of *Lovelace* trusted their Lordships would not reverse the decision of the Committee. If the noble Duke had moved an instruction to the Committee eight or ten days ago, the matter might have been reconsidered; but at this late period of the Session to recommit the Bill, would be virtually to defeat it altogether.

The Earl of *Wicklow* regretted that earlier notice had not been given of this application on the part of the petitioners, and that any delay should have occurred in the printing of the evidence of the competing lines. But was this a fatal error? In his opinion it was. The Committee believed that there was an amalgamation of the parties; but there was no evidence of that fact. He thought there was yet sufficient time to reconsider the subject.

The Earl of *Hardwicke* said, the Committee had endeavoured to do their duty in the best way they could. In the case which was brought under their consideration, the question was not as to the necessity of considering any competing lines, but those lines which were brought before them by arrangement. The Bills contained clauses drawn in such a way as left no doubt that they were the effect of some arrangement between the parties creating the Bills. The parties who made the complaint had many opportunities of bringing forward their objections before the Committee on those clauses, if they had thought proper to do so. As to the possibility of re-opening the question with a view of settling it this Session, from what he himself saw in the Committee, he was quite sure that the lawyers and those other parties who were interested, would take good care that the Session should close without coming to any final arrangement.

Lord *Beaumont* said, the question before their Lordships was simply whether these parties could appear before them in two different characters; for they now took a different position to that which they had occupied on a former occasion. It was now contended that they were entitled to be heard by the Committee, as being the promoters of a competing line; but there was no competing project brought before the Committee. There was no competing project; the petitioners were parties to a distinct Bill, and they had already been heard. If their Lordships acceded to the Amendment, they would be establishing a most ridiculous precedent—that of allowing persons to appear both as parties to the Bill, and as opponents to it.

Lord *Redesdale* supported the Amendment.

The Marquess of *Clanricarde* was also in favour of the Amendment, but if it should be rejected, he then thought the petition ought to be referred to a Select Committee.

The Earl of *Haddington* considered, that everything depended upon the question, whether this was a competing line or not. If the petitioners agreed to take scrip, and so far acquiesced in the Bill, then they could not afterwards be considered as competing parties; but if the House of Commons had taken the three Bills, and had amalgamated them as they thought fit, without the consent of the parties, then he thought it was hard that the parties should be excluded from being heard against the Bill. He should like to hear from some noble Lord who was a Member of the Committee, whether it was the impression of the Committee that

there had been any compromise between the parties?

The Duke of *Richmond* could undertake to declare, on the part of the South Western Company, that no compromise was ever made by them. The thing had never been even hinted at by any of its opponents. The fact was, the House of Commons took the three Bills, and cut and carved them as they thought proper, and the Guildford line had no power to oppose the insertion of these clauses.

The Duke of *Grafton* opposed the Amendment.

After a few words more from the Duke of *Richmond*,

Their Lordships divided:—Contents 13; Non-contents 11: Majority 2.

Bill re-committed.

Valuation (Ireland) Bill.] Lord *Stanley* moved the Second Reading of this Bill, which he characterized as of great importance, dealing with a subject which had been fully discussed in the other House; and which had been sent up with the almost unanimous approval and consent of its Members. The postponement of the measure would be of great practical inconvenience. The noble Lord here entered into a short statement of the principles and objects of the Bill, which, not having a retrospective effect, was designed to place the lands in counties upon a more perfect system of valuation than they were at present.

Lord *Monteagle* declared, that he rose under a deep conviction that it would be most rash—injurious to the interests of Ireland—injurious to the character of that House, and injurious to the character of Her Majesty's Ministers, if under circumstances it were possible for the present or any other Government to persevere in a Bill like the present. They stood in that House on the 4th day of August: he believed that there were present at that moment nine Peers representing the whole peerage of the Empire, and of those nine, he believed that only four were connected with Ireland; and yet, under those circumstances, their Lordships were called upon to pass a Bill having relation to Ireland, which if it were presented at the very commencement of the Session with respect to England, would require the utmost care and caution, and the most extended inquiry. Their Lordships would hardly believe the real importance of this question. This was a Bill to alter the whole system of local taxation in Ireland. From the liberality of Parliament, the people of Ireland had been very much relieved from direct taxation for the State. What the people there felt was local taxation; and upon the mode in which it was collected, and the system by which it was raised, their comfort, happiness, and well-being depended, infinitely more than upon many of the Bills which were brought before their Lordships. First, there was the grand jury tax, amounting to upwards of a million; and then there was the tax of the poor rate. Those were the taxes which pressed upon the occupying tenantry of the country, and yet, on the 4th day of August, without examination, without inquiry, the House was called upon to alter every existing arrangement, and to adopt a course which, in respect of such a measure, was, he apprehended, wholly without precedent. Why, the Bill they were called upon to read the second time, was actually wet from the press. It had not been delivered to Peers that morning. He really did not desire to use strong language; but if ever there had been an insult offered to a country, it would be the perseverance in this Bill on the part of the Government. There was not one of their Lordships present who did not know that the Government would not dare to press such a Bill, under such circumstances, affecting any other part of the kingdom. Upon what principle, then, was it to be pressed upon Ireland? If ever there was an insult offered to Ireland, it would be by persevering in such a Bill as the present at such a period; and he did not think Her Majesty's Government would dare to introduce such a measure with reference to any other part of the kingdom under similar circumstances. So short was the time which elapsed since it had been introduced into the House, that even his noble Friend, with all his great mental powers, had not been able to master its details, and did not seem to understand either the provisions or the principles of the Bill. Already had the country been at an expense of more than one million in surveying and valuing Ireland, and was it expedient to have all that money thrown away? They were not called upon to undo all that had been done. Any measure more calculated to impede the progress of im-

provement in Ireland he did not think it possible for the worst enemies of that country to devise. One of its effects would be to prevent improvements from being made, because these would be immediately subjected to taxation, and made the object of a new valuation.

Lord *Stanley* observed, that the noble Lord seemed to misconceive the object of the Bill. Inasmuch as two valuations were now necessary in Ireland, one for the purposes of the Poor Laws, and another for grand jury assessments, this Bill enabled the valuations to be made by one officer, instead of by two separate officers.

Lord *Monteagle* continued to think that that valuation which had gone on so satisfactorily in the north of Ireland should be applied generally. For twenty-one years they had been legislating on this subject, and they had never thought it advisable to adopt the principle involved in the present Bill until now. It was said, indeed, that they had the consent of the Irish Members in the other House. He would just ask how many Irish Members had been present when the Bill had gone through the House of Commons? But what was the case really with respect to this Bill? It had been four times printed, and nearly as often recommitted. And yet this was the Bill which their Lordships were called upon to swallow at one gulp on the 4th of August. Now there could be no inconvenience whatever in postponing until next Session the present measure; and if he could not touch their feelings of justice, he would appeal to their compassion, not to attempt to force a Bill like that at such a period of the Session, through such a thin House. A proper system of valuation might yet be made the foundation of a franchise in Ireland, and though forbearing to enter more deeply into that question at present, he would urge that too, as an additional argument for giving this Bill a more mature consideration.

The Earl of *St. Germans* confessed he had heard with some surprise the speech of the noble Lord who had just sat down, and who seemed to think that this Bill was an emanation of the present Government. If the noble Lord had referred to the evidence upon which the Bill was framed, he could not have thought so. He would have seen at once that a Committee composed of Irish Members of the other House of Parliament had been appointed last Session to investigate fully into this subject; that they had examined a great number of witnesses conversant with the full details of the matter; and the present Bill had been the result of the recommendation of that Committee. There had been amongst the Members of that Committee an unanimous conviction that some such measure as the present was necessary, and it had been accordingly actually agreed upon by the great body of Irish Members in the other House of Parliament, and in addition to that recommendation, it had the approval of the recent Land Commission. At the present moment there was a difference of 40 or 50 per cent. in the rate of the valuation under the Poor Law, in many of the Unions in Ireland, and it had been considered most advisable and equitable to endeavour to secure a uniform system. It was not fair to charge his noble Friend near him with endeavouring to force that Bill through a thin House; because noble Lords having an interest in Ireland did not think proper, as might be supposed their duty, as long as Parliament was sitting, to attend in their places when anything concerning that country was likely to be discussed. But such as the Bill was, it had been approved of by a Committee of Irish Members, composed of Sir Denham Norreys, Lord Jocelyn, Mr. Shaw, Mr. French, Sir H. Barron, and others; and for his part he conceived it would do much good, instead of the evil the noble Lord prognosticated of it in Ireland. Under these circumstances he hoped his noble Friend opposite would reserve his objections to the Bill until it was in Committee, when he had no doubt his noble Friend near him would be prepared to answer them.

The Earl of *Wicklow* said, that the first question which had occurred to him on the present occasion was, whether the House of Lords was of any use? If it was of use, then he must say that the present was a most extraordinary mode of proceeding. He objected to forcing through so important a Bill in the manner described. He did not object to it because that happened to be the 4th of August, but because they had not time to consider it before the prorogation. There was no compulsion on the Ministers to prorogue Parliament either that week or the next. In general, Parliament sat to a much later period; and it was their duty to do so as

long as there was business of importance to be disposed of. It appeared that they were to be prorogued at the end of the week. The noble Lord had urged that as an argument for proceeding with the measure, while in fact it proved that the noble Lord did not consider it necessary that important Bills should undergo consideration in that House. In his opinion the noble Lord ought at once to postpone the measure. The noble Lord said, that it might not be so easy to pass it through the other House in the next Session. But that was just another reason for delaying it. Independent of these considerations, there was the fact that none of their Lordships had had time even to read the Bill. The noble Lord had said, that the Bill had been supported in the other House by a great majority of the Irish Members. According to the reports which he had seen, he believed it had been opposed by them both in its principle and in its details. He thought Government ought not to persist with the Bill in opposition to every Irish Peer present, and that further time ought to be given for fairly considering it.

Lord *Stanley* hoped their Lordships would believe, that he had not brought forward the question at that period out of any disrespect to their Lordships, or with any desire that they should not have the fullest opportunity of discussing it. He was fully aware of the inconvenience of bringing forward such a measure at that period of the Session, and he was also aware that unless it met with a general concurrence of opinion in its favour, there would be little chance of carrying it. There would certainly be great inconvenience in postponing the Bill, and great expense would be involved in such a postponement. If the measure were postponed, it would only be to be again introduced in the other House next Session. He regretted that it had not met with the approval of the noble Lords connected with Ireland. Both the noble Lords opposite and the noble Earl near him, had intimated their intention to oppose the future progress of the Bill; and it would, therefore, be impossible for him to persist with the Bill during the present Session. Sensible of the immense inconvenience, the increased expense, and the great evil of postponing the measure, he, nevertheless, felt that, under the circumstances, he should not be warranted in further pressing it on their Lordships' consideration.

The Marquess of *Clanricarde* expressed his acknowledgments to the noble Lord for the course he had taken.

Lord *Monteagle* said, that the noble Lord had acted wisely and discreetly in postponing the Bill. Early next Session the Bill might be calmly and well considered.

Bill accordingly withdrawn.

House adjourned.

HOUSE OF COMMONS,

Monday, August 4, 1845.

Minutes.] Bills. *Public.*—*Reported.*—Exchequer Bills (£9.024,900); Consolidated Fund (Appropriation); Silk Weavers.

Private.—1°. Marquess of Westminster's Estate.

2°. Shuldham's Divorce; Marquess of Westminster's Estate.

Reported.—Southport and Euxton Junction Railway.

3°. and passed:—Birmingham Blue Coat School Estate; Severne's Estate; Lutwidge's (or Fletcher's) Estate; Molyneux's (or Follet's) Estate; Sampson's Estate; Duke of Bridgewater's Estate; Marsh's (or Coxhead's) Estate; Winchester College Estate; Bowes's Estate; Dick's Estate; Earl of Powis's (or Robinson's) Estate; Boileau's Divorce; London and York Railway; North Walsham School Estate; Marquess of Donegall's Estate.

Petitions Presented. By Mr. T. Duncombe, from St. James's, Clerkenwell, for Inquiry.—By Captain Pechell, from Thomas Pearson, of King's Road, Brighton, complaining of Property Tax Assessment.—By Mr. Bernard, from Sawyers of Belfast, for a Tax upon Steam Sawing Machinery.—By Mr. Mackinnon, from Stockport, and several other places, for Inquiry into the Anatomy Act.—By Mr. Thomas Duncombe, from Christchurch, for Alteration of Law relating to Blasphemy.—By Mr. Mackinnon, from Inhabitant Householders of Spafields, for Prohibition of Interment in Towns.—By Mr. Divett, from Charles Bird, for Consideration of the Case of Samuel Lake, a Prisoner in Exeter Gaol.—By Mr. C. Smith, from Robert Potter, of Stephen's Green, Dublin, for Production of Journals and Documents before the Commissioner Examiner of Court of Chancery (Ireland).—By Sir H. Douglas, from Liverpool, for Diminishing the Number of Public Houses.—By Mr. Grogan, from Guardians of North Dublin Union, against Removal of Paupers (Scotland and Ireland) Bill.—By the Lord Advocate, from Parochial Schoolmasters of Islay, for Ameliorating their Condition.—By Mr. Hindley, and Mr. M. Phillips, from Journeymen Tailors of Ashton-under-Lyne, and Manchester, for Inquiry into the Sanatory Condition of their Trade.

London and York Railway—Fictitious Signatures.] Mr. *Hawes* presented a petition from the Chairman of the Cambridge and Lincoln Railway Company, a gentleman who stated that he had an interest in the London and York Railway. The object of the petition was to impute very extensive frauds in the concoction of the subscription list. The petitioner stated that his attention and the attention of other parties was only called to this subject on Thursday last, and that

the result of his inquiries had been that subscribers to the amount of half a million sterling appeared in the contract deed by fictitious names or a fictitious description of places of abode; and that the petitioner could prove the above facts. The petition then contained a long list of names and figures, with the sums for which the parties had subscribed. The petitioner stated that he was pursuing his inquiries into the *bonâ fides* of the subscription list, and did not doubt that he should discover numerous other instances of fraud, besides those which were specifically alleged. He prayed the House to institute an inquiry, and to afford him an opportunity of proving the allegations of the petition before a Select Committee. As the third reading of the Bill was to take place to-day, and as it was not likely that the House would often meet again, he moved that the petition be printed with the Votes to-morrow.

Mr. *B. Denison* said, that the hon. Member for Lambeth had done him the honour to show him the petition. It was quite impossible for him to say whether the signatures were correctly stated or not; one signature, however, did catch his eye, and that was the signature of a most respectable solicitor residing in London, who, although it was stated that he was not competent to pay his subscription contract, was, to his knowledge, perfectly competent to pay six times the sum standing opposite his name. The name was Michael Thomas Baxter. This proceeding had been going on for some days, and he held in his hand a circular signed by a person who called himself a parliamentary agent.

The *Speaker*: Does the hon. Member object to the petition being printed with the Votes?

Mr. *B. Denison* replied that he objected to it, and he also objected to the Motion of which the hon. Member had given notice. Supposing all that was contained in the petition to be true, there was another tribunal before which the subscription deed would go, which was competent to inquire into it; and he submitted that this was a wrong time to bring forward a petion of this sort, and he hoped the House would not lend itself to this mode of stopping the further progress of the Bill. He had not the slightest objection to the accuracy of the deed being inquired into; he was willing, if there were fictitious signatures, that the whole thing should be exposed. The utmost pains were taken to ascertain the respectability and responsibility of every person who signed the deed. The circular to which he alluded was headed "urgent," and was addressed to the postmaster of Lincoln, and signed by E. Croucher, parliamentary agent. He strongly suspected that all parliamentary agents were, to a great extent, under the control of the Speaker; and he meant to ask whether it was not a breach of privilege to send a circular of this description? It stated that an investigation was pending before the House of Lords; that extensive frauds and forgeries had been discovered, and requested information to be sent whether letters had been delivered to certain parties, specifying the names of persons in the neighbourhood. On inquiry it turned out that this was a circular which had been sent to almost every town in the kingdom in which it was supposed that any person resided who had become a subscriber to the London and York Railway. He was in a condition to prove that parties had been going about London, within the last forty-eight hours, stating that they were authorized by the House of Lords to make inquiries as to A. B. C. In this way the case was got up to stop the progress of the London and York Railway. It was only a repetition of various attempts of a similar character, with which he need not trouble the House. Even during the sitting of the Committee, expedients were resorted to to wear out the time of the Committee and the directors; and he believed this to be a part of the same proceeding. He therefore, objected to an inquiry being instituted at this the eleventh hour, on the day fixed for the third reading of the Bill.

Mr. *Hawes* did not think that the hon. Member had assigned any good grounds for opposing the printing of the petition. The hon. Member said that the petitioner had used improper means to make various inquiries. He knew nothing of the parties who were promoting the line, or who were opposing it. He had had no sort of communication, direct or indirect, with them. This petition had been brought to him by a most respectable gentleman, and was signed by a most respectable gentleman. He was informed that the gross sum impugned by the petitioners amounted to 658,000*l.* Of that there was 200,000*l.* of fictitious signatures, and 458,000*l.* by

parties who were wholly irresponsible. He stated this on the best possible evidence, which had satisfied his mind that the facts ought to be disclosed to the House of Commons. As to this being the last stage of the Bill, the House would recollect that on a recent occasion the objection to the signatures was not taken before the Standing Orders' Committee, or after the second reading of the Bill, but when it came before the House of Lords. One of the signatures was that of a gentleman, whose address was stated to be Finsbury-square, who signed for 25,000*l.* No such person was known, although inquiries were made of all the general and twopenny postmen. Then there were the names of John Theobold, and John Taylor, who signed for 1,200*l.*; and the mistress of the house stated that she knew nothing of him. Another gentleman, who signed for 5,000*l.*, turned out to be receiving alms from the Charterhouse. Then there were the names of collectors of the Treasury, excise officers, widows, and persons in all situations of life; but no trace could be found of their locality, nor was there any proof of the ability of these persons to fulfil the contracts they had signed. He had not the smallest interest in the matter, directly or indirectly. Two hours ago he should have given his vote on general principles in support of the Bill; but when respectable parties impugned the subscription contract and said that there was 650,000*l.* of fraudulent or fictitious signatures, could hon. Members turn their backs on the petitioners, and refuse inquiry?

Mr. *Bernal* knew nothing of this line, but he knew enough of railways to say that with all the safeguards which the House might think proper to adopt, they could not put a stop to stockjobbing; they could not put an end to gambling day by day, and the mischief that must arise from such a system as this. He had no doubt that the hon. Member was convinced of the truth of the facts stated in the petition; but let it be recollected that he came later than the eleventh hour. If he thought that he was depriving the hon. Member of his remedy, he would not oppose his Motion; but there was another tribunal more competent than the House of Commons, and if they refused this Motion, they did not deprive the parties of any relief to which they might be entitled. The House of Lords could examine witnesses upon oath—an advantage which the House of Commons did not possess. Why had not the parties discovered these facts before the third reading of the Bill? It would be difficult to assemble a Committee of the Commons at this time of the Session, but in the other House they had little to do. The hon. Member might abandon his Motion with safety without depriving his clients of their remedy.

Mr. *Roebuck* said, that the question was, not whether fraud had been practised on the directors of the companies, but whether fraud had been practised on the House of Commons? Some time ago the House had passed an Irish Bill, the famous Galway Bill; that was taken to the House of Lords, and there subjected to a peculiar ordeal. It was discovered, after the House of Commons had passed it, that they had been performing their onerous duties in vain, and that one-half of the list was fictitious. What was sauce for the goose was sauce for the gander; what was law for Ireland, ought to be law for England. The Galway Bill had been turned out for a fraud which was discovered in the House of Lords; but here a fraud was discovered in the House of Commons. It was not proved, certainly; but the House of Commons was now exactly in the position in which the House of Lords was when the fraud was discovered. What did the House of Lords do? They did not say "You have come too late." They said "You have presented a petition which makes such imputations and involves such interests, that we must inquire." When the same imputations were made as to an English Bill, should the House of Commons say, "We will not inquire, let the Lords inquire." Was not this abrogating their functions? It was said that the House of Lords could examine upon oath; but they refused to allow a prosecution for evidence given under that oath. In the case of the Galway Railway, amongst other evidence was that of the secretary to the company, who said that most careful inquiries had been made into the list, and that nobody had been admitted who was not proved to be a respectable person, and yet it turned out that 500,000*l.* had been subscribed by paupers.

Mr. *Ward* said, that if the House sanctioned this objection, no Railway Bill would pass before the close of the Session; they should give this Bill fair play. If the respectability of the shareholders of

the London and York Railway could be impugned, let the matter be sifted in the House of Lords. Three or four days only of the Session remained, so that it was utterly impossible to make an inquiry in this House. He had to inform the hon. Member, that in consequence of the notice he had given of this Motion, the shares of one line had risen, and the shares of the other had fallen, so that his public virtue might be made an instrument in the hands of opposing parties. He should vote against the Motion, in the expectation that there would be a most searching inquiry in the House of Lords.

Mr. *Darby* stated, that the original share list was before the Committee; that every word of the deed was discussed and commented upon, and yet not a hint was thrown out against the responsibility of the shareholders.

Petition to be printed.

Mr. *B. Denison* then moved that the London and York Railway Bill be read a Third Time,

Mr. *Hawes* would take that opportunity of answering a question which had been put to him by the hon. Gentleman. Before the Committee of the House of Lords it had been said that the subscription list of the London and York Company was unimpeachable, and it was only on Thursday last that the petitioner had been made aware that such was not the fact, and he was still pursuing his inquiries. He fully believed that the Standing Orders' Committee were afforded no opportunity of looking into the matter—all the companies had joined in a compromise so that each should abstain from impeaching the subscription list of the other. The parties who waited upon him were respectable, and he believed that the allegations they had made were true, and, as far as he was concerned, he would assist them in sifting the matter to the bottom.

Mr. *Roebuck* would move that the Bill be read a third time on that day three months, and he did so on the ground that the House had determined that certain things should be done before a Railway Bill should be proceeded in—that a subscription list should be put in, and that it should be a *bonâ fide* one. If the Standing Orders were of no use, let them be abrogated; but so long as they formed part and parcel of the orders of the House, let them form part of the proceedings on these Bills. It was directly asserted that the Bill which they were then called upon to read a third time, had been carried through all its stages under a fraudulent pretence. Of course, he did not mean to say for a moment that the hon. Member for Yorkshire was any party to the fraud; but fraud was alleged, and it was not attempted to be denied. [Mr. *Denison* dissented.] It was all very well to shake the head, but would they go before a Committee and prove that the allegations were false? The gigantic frauds which had been practised in railways was something new—it had come upon them like a thunder-clap. With, perhaps, some half-dozen exceptions, the whole House were dabblers in railway shares. You could not meet a man but he was full of the price of shares; nay, you could not meet even a woman in society, who was not learned in the value of scrip. It was altogether a monstrous phenomenon. The House had now some grounds to go upon. Let them fully inquire into the allegations of the petitioners, and if they were found true let them take steps to put an end to the monstrous system altogether. Suppose they were to postpone the Bill; it might be inconvenient to some parties, but where was the harm to the public if the Bill should be delayed until next Session? It was asserted that the parties promoting the Bill had practised fraud upon the House, yet the House was about to be asked to suspend the Standing Orders, in order that it should be enabled to pass—it was monstrous. He moved that the third reading of the Bill be postponed for three months.

Mr. *W. Patten* would vote for the third reading of the Bill, because he considered that it would be unjust to throw it over at that late period of the Session. A Committee had sat eighty days, he believed, upon the Bill; they had fully investigated it, and their labours ought not now to be thrown aside. If the House should agree to do so, he certainly would never serve upon a railway committee, except upon compulsion. He really did not know what measures it was in the power of the House to take to prevent such frauds, if they had not been successful in the case of the London and York line, with which he was wholly unconnected. But, even if the allegations of the petition were true—if the whole 600,000*l.* had been fraudulently subscribed for, still there would remain a sufficient subscription list to answer

all the requirements of the Standing Orders. Under all the circumstances, he would vote for the third reading of the Bill.

Mr. *Aglionby:* The House and the country were very much deceived if they thought that the Standing Orders of the House afforded any sufficient protection against frauds of the description pointed out in the petition. When Bills went before the Committee upon petitions, the agents mutually agreed to wave all dispute upon the subscription lists, well knowing that any inquiry would most probably be fatal to all the Bills. He believed that frauds which had been practised upon the House during the present Session had been very flagrant, and he was most anxious that they should be able to find some mode of checking them. In respect to what had fallen from the hon. Member for Bath, he trusted there were many more than six hon. Members who were not tainted with the railway mania; for himself he had no connexion with any railway whatever, nor would he ever have, while the House chose to place him in the responsible and judicial situation of a Member of the Standing Orders' Committee.

Mr. *Ward* said, that he considered it highly desirable that men of known honour, integrity, and capacity, should be openly and avowedly interested in enterprises from which the public derived so much benefit as from railways. He had himself been a railway director for ten years; and so long as he saw those concerns with which he was connected conducted with propriety, he should not be ashamed to avow his participation in them.

Amendment withdrawn. Bill was read a third time and passed.

Westminster Bridge.] Sir *R. Inglis*, seeing his right hon. Friend the First Lord of the Treasury in his place, begged to be allowed to put a question to him relative to the state of Westminster Bridge, and the intention of Her Majesty's Government with respect to it. In order to make his question intelligible, perhaps the House would indulge him with permission to say a few words by way of preliminary explanation. Gentlemen would, perhaps, recollect that last year a Committee was appointed to inquire into the condition of the bridge. They took evidence upon it, and, amongst other testimony, received the opinions of several distinguished engineers — Mr. Rendel, Mr. George Rennie, Mr. Payne, Mr. Wm. Cubitt, and, by letter, of Sir John Rennie. These gentlemen all concurred in the opinion that, for engineering and architectural purposes, it was desirable that the present structure should be removed. Two gentlemen gave a contrary opinion. Mr. Walker, the architect, and Mr. Cubitt, the contractor for the repair of the bridge. The Committee did not concur in the opinion of the five gentlemen whose names he had enumerated; and the Commissioners of Westminster Bridge proceeded, at their own expense, to make repairs which, according to the evidence, could not place the bridge in an effective condition. Under these circumstances the House separated last year, the Committee concurring in the view of the minority; but, in the course of the winter, additional injuries occurred to the bridge, which rendered its state still more unsatisfactory, and he therefore wished to ask the Government, in the person of his right hon. Friend the First Minister, whether the subject had been already under the consideration of the Government, and what were their intentions with respect to the continuance of repairs at an enormous expense, and which were ineffectual for the complete restoration of the structure; or whether they contemplated the pulling down of the bridge and rebuilding it, either at the present spot, or at the other side of the new Palace of Westminster?

Sir *R. Peel*, in answer to the question of his hon. Friend, begged to remind the House that a Committee had been appointed last Session to inquire into the state of Westminster Bridge, and he believed that the Committee, by a small majority, decided, upon a review of the whole of the evidence, there was no case upon which to recommend the pulling down of the bridge, and building a new one. The facts he believed to be these—that the Commissioners for superintending the bridge, were in possession of certain estates, which, if converted into capital, would represent a sum of 172,000*l.* Two estimates for rebuilding the bridge had been laid before the Committee, one from Mr. Walker, and the other from Mr. Rennie; the one stating the amount at 260,000*l.*, and the other at 350,000*l.*, independent of the approaches. He understood that since the Report of the Committee, the Commissioners who had the

charge of the bridge had taken fresh evidence, and had called for reports from the engineers and others immediately connected with the bridge, Mr. Walker and Mr. Cubitt, and had also received the opinions of Mr. Rennie and Mr. Rendel, and other independent engineers. These opinions had been sent to the Board of Treasury; but having been so sent only within the last three days, it had been impossible to give them the consideration which so important a subject required; and he was only enabled to state to his hon. Friend, that as soon as the labours of that House were brought to a close, the recent communication from the Commissioners to the Board of Treasury should receive due attention. He was not prepared at present to go further, or to state that the Government thought that the rebuilding the bridge, at an expense of 350,000*l.*, would be consistent with a due regard for the interests of the public.

Murder of Mr. Palmer, of the Wasp.] Mr. *Christie* rose for the purpose of calling the attention of the right hon. Gentleman the Home Secretary, to the case of the seven foreigners who were recently tried at the Exeter assizes, for the murder of Mr. Thomas Palmer, a midshipman, belonging to Her Majesty's ship the *Wasp*, and who, the hon. Member said, he understood were to be executed on Friday next. On the trial of these men several points were raised by counsel on their behalf, and one of these was quite a new one, in respect of which counsel on neither side was prepared with any authority. The Judge (Mr. Baron Platt) overruled the objections, and refused to reserve them for the consideration of his brother Judges; and he (Mr. Christie) now wished to ask the right hon. Baronet whether, under the peculiar circumstances of the case, and looking at the fact that the lives of seven of our fellow creatures, and these seven foreigners, were dependent on that decision, the right hon. Gentleman deemed it to be inconsistent with his duty to advise Her Majesty to exercise Her prerogative, and respite the unhappy men, in order that the opinion of the Judges might be obtained on the points raised?

Sir *J. Graham* admitted that the question put by the hon. Gentleman was a most important one. He begged to state in reply that he had that morning heard from Mr. Baron Platt, who informed him that, after full consultation with his brother Judge, Mr. Justice Erle, who was on the same circuit with him, and considering the gravity of the question and all the circumstances of the case, besides the fact that the lives of seven persons were at stake, he (Mr. Baron Platt) had determined to reserve the point of law, which had been raised on the trial, for the consideration of the other Judges. Upon this being communicated to the Government, a respite was at once issued.

New Zealand.] Mr. *P. Howard* asked, whether any, and what, arrangements had been made by the Government with the New Zealand Company, and whether the Government would inform the House more generally what had been done with respect to the Colony itself? It was not desirable that the prorogation should take place without some statement being made public as to what had been done.

Mr. *G. W. Hope* regretted that the hon. Gentleman had not mentioned to him before coming down to the House that he was about to put the question, as he (Mr. G. W. Hope) would then have been able to give him more than a general answer. All he could say at present was, that the New Zealand Company had made fresh proposals to the noble Lord at the head of the Colonial Office; that he himself (Mr. G. W. Hope) had seen deputations from the Company two or three times on those proposals; they had also seen a third person at the Colonial Office on the subject; and that those proposals were still under the consideration of the Colonial Office.

The South-Eastern Railway Company.] Viscount *Palmerston* said: On behalf of the South-Eastern Railway Company, I beg to offer a few words in explanation of what fell from me on the other evening. I had been informed that the reason why the engines used on that line were too weak to perform their duty, which made it necessary to have an additional engine to propel each train behind, was mistaken economy on the part of the directors of the Company. But I have since been waited on by a deputation of the directors of the Company, and they have assured me that the reason was not a mistaken economy, but a mistaken calculation, and that the persons who were

directors at the time to which I referred are not directors now. They further said, that in October last, on finding that their engines were too weak, they gave directions for the construction of fresh engines. I told them that I should make this explanation to the House of Commons; but at the same time I told them I thought it was my duty to say that their explanation did not, in my opinion, afford a justification of their conduct; but that if their engines were too weak, they ought to have proportioned their trains to the strength of their engines, instead of putting two engines, one before and one behind. I am sorry to add, that from their own showing, it appears that they still resort to this dangerous practice of putting two engines to propel one train; for they assure me that it is only done on a part of the road which is very steep; and, whenever the measure is adopted, the train is not allowed to go at more than ten or twelve, or from that to fifteen miles an hour. Now, I am not an engineer, but it does appear to me that that rate is too fast under such circumstances. I think that if there is a necessity for two engines, they ought to be placed both before the train, and not one before and the other after the train; but that if a pushing or a propelling engine is attached behind, the rate of travelling ought not to be more than four miles an hour.

The Case of William Mays.] Mr. *Tufnell* asked whether William Mays, who had been convicted, at the Northampton Lent Assizes, of an assault, with intent to do grievous bodily harm to a gamekeeper, was to be pardoned or not?

Sir *J. Graham* said, it was not by any means convenient that he, as Secretary of State, should be called upon to state the advice which he was prepared to offer to the Sovereign with respect to the exercise of the Royal prerogative; but he would say, in reply to the hon. Gentleman's question, that the prisoner William Mays was tried and convicted before Lord Chief Justice Tindal, at the last Spring Assizes, and by him sentenced to fifteen years' transportation. That period, with the concurrence and by the advice of Lord Chief Justice Tindal, he (Sir J. Graham) had commuted to seven years, and he had further ordered the prisoner to be detained until the Summer Assizes, when certain other parties who were inculpated for having taken part in the same transaction on which Mays was found guilty, would be tried also. Those parties were tried, but were not convicted. Circumstances, however, came out at their trial that confirmed the impression that had been entertained of the innocence of Mays of the offence of which the jury had found him guilty. The Lord Chief Baron, before whom these parties had been tried, had been so good as to send him his notes of the trial, and he had sent them to Lord Chief Justice Tindal, stating that if he thought the case with this additional light was a satisfactory one, he should advise Her Majesty to grant a free pardon to the convict Mays. He was only waiting for an answer from the learned Judge.

The New Houses of Parliament.] The Earl of *Lincoln* said, in answer to the question from Mr. Moffatt, it was perfectly true that the anticipations he had entertained and expressed in answer to a question from the hon. Member for Montrose in 1842, to the effect that the new Houses would be ready by this time, had been disappointed; but he begged to remind the House that no great public building, either in this country or any other, had ever made so rapid a progress as the new Houses had done; and when attacks were made upon the architect, he could answer for that gentleman that the attacks made upon him some time ago had rendered him so anxious, that for two months he was obliged to retire from London in order to recruit his health, so keenly did he feel the imputations that had been thrown upon his personal honour in the accusations that had been made against him of not having kept his word. The House of Lords, there was no doubt, would be in a fit state for the occupation of their Lordships at the commencement of the Session of 1847. The House of Commons could be prepared by that time, but not without considerable difficulty, and he was not prepared to say that it would be advisable for the House to insist on its being ready so soon. But the central hall and other parts of the building necessary for the communication between the two Houses, would not be ready by then; and, therefore it would be for the House next Session to consider what it would be best to do. The committee-rooms would be prepared by the commencement of the Session of 1847.

THE BRAZILS.] Mr. *M. Gibson* said, he could not allow that opportunity, which might be the last he should have this Session, to pass without pressing on the attention of the Government one or two matters which had already been mentioned several times this Session in that House, connected with the commercial interests of this country. The first was, the position in which Englishmen now resident in the Brazils were placed. He wished to remind the right hon. Gentleman at the head of the Government, that the privileges which British subjects resident in the Brazils had enjoyed with reference to the disposal of their property by will, and some other personal rights of great importance, and which expired with the Treaty of November, 1844, had not, although they were enjoyed by the subjects of other foreign countries resident in Brazil, been restored to them. He would, therefore, press particularly on the attention of the right hon. Gentleman, the great importance of endeavouring to procure, that Englishmen resident in the Brazils might at least be in as good a position as the subjects of any Foreign State whatever. At the same time, he did not complain that Englishmen were made subject to Brazilian law. The hon. Member for Salford and himself had received many pressing communications on this subject—one of vital importance to the constituency he represented, as many in that constituency had large property in the Brazils; and he understood that in case of the death of a partner in this country in any of those houses in that country, his goods would be taken possession of by the Brazilian authorities, and would be administered by them, and that large fees, amounting to confiscation of the property, would be exacted. It was understood that an assurance had been given that those privileges would be restored to British subjects, and he believed that Lord Aberdeen was under the impression that a Treaty or arrangement had been come to with the Brazilian Government that British subjects should be placed in the same position as the subjects of France and other foreign countries in reference to those personal rights. The last mails, however, did not bring intelligence that any such negotiation was concluded; and, whether it could be attributed to the unfortunate policy of this country with respect to sugar—to the fact that we had proscribed the staple produce of the Brazils, and placed it in a different position from the same produce of other foreign countries, he could not tell, but it appeared to him that we did stand in a very unfortunate position with the Brazils; that the interests of the commercial classes were in a state of jeopardy, and that Her Majesty's Government had not been fortunate in their negotiations with that Empire. Another question with reference to the same subject which he wished to press on the attention of the Government was the differential duty. The right hon. Gentleman the Member for Taunton, the other evening, put a question to the right hon. Baronet, and asked, whether it was true that the Brazilian Government had imposed an additional 20 or 30 per cent. on the rate of duty now leviable under the general tariff, on the cotton manufactures, the produce of Great Britain only; and the right hon. Baronet answered that he had received no intelligence that such was the fact. But he (Mr. Gibson) believed that intelligence which might be relied on had arrived by the last mail, that the Brazilian Government had imposed a discriminating duty of 20 or 30 per cent. on British cotton manufactures over and above the duty upon the cotton manufactures of any other country; and that they would continue that additional duty so long as England continued to proscribe their sugar. He had seen that stated in a Liverpool paper of the 23rd of July last. He did not ask the Government for any assurance or pledge for the future; but he should not be doing his duty to his constituents, if he had allowed that opportunity to pass without pressing such important matters on the attention of the Government. If the deficiency of labour in the West Indies were urged as the ground of monopoly in their favour, then he wished to ask of the Government what steps had been taken to bring about the immigration of labour into the West Indian Colonies? He observed, that the Colonial Assemblies had charged their revenue with a certain amount to pay the interest upon a loan, which it was understood the noble Lord the Secretary for the Colonies had promised the Colonial Governors should be raised on the security of the Colonial revenue, backed also by the guarantee of the Home Government. Perhaps the hon. Gentleman the Under Secretary for the

Colonies could inform him whether anything had been done in reference to this matter. The despatches of the noble Lord had been before the public some time, and it was expected that the attention of Parliament would have been called to the consideration of the policy of raising a sum of money on the security of the Home Government for the purpose of promoting immigration into the West Indian Colonies. He would, however, upon that occasion, give no opinion as to the policy of such immigration.

Mr. *G. W. Hope* said, that the noble Lord the Secretary for the Colonies had stated, in the despatches to which the hon. Gentleman had referred, that on pressing representations from the West India Colonies, he should not object to the passing of Loan Ordinances, if they deemed them advisable. Those Ordinances had been passed in two or three of the Colonies, whilst others had taken the necessary means of providing for such immigration without resorting to Loan Ordinances.

Sir *R. Peel* said, he had stated at an early period of the Session, that Plenipotentiaries had been appointed by the Brazilian Government, for the purpose of negotiating such a Treaty as that to which the hon. Gentleman had referred. It was a Treaty not for a tariff, but for giving to British subjects the same privileges as the subjects of other countries possessed. The proceedings, however, of those Plenipotentiaries, unlike the conduct of the Brazilian Government in general, had been very dilatory. In the last accounts from the Brazils, it was stated, that a change had taken place in the Government, and that the Gentleman who was Secretary of State, under whose orders that negotiation was conducted, had been recently moved from that office; and that might, perhaps, have caused the delay. The hon. Gentleman had also referred to the imposition by the Government of the Brazils of an additional duty upon certain British manufactures. He could only say, that, unless the account of the hon. Gentleman had been received within the last few days, he did not think that such was the case; for, although the Minister at the Court of the Brazils had at a recent period written on other subjects, he had not alluded in the most distant manner to any such additional duty having been imposed.

Subject at an end.

Fees for Admission to Public Buildings.] Mr. *Hume* called the attention of the House to the practice of exacting fees or receiving gratuities from the public as the condition of their admittance to cathedrals and other public buildings; and moved—

"That, in the opinion of this House, the practice of exacting fees from the public as the condition of their admittance to cathedrals, is highly improper, and ought to be discontinued."

He believed, that, the opening of those edifices would greatly conduce to the public benefit, and regretted that no such steps had been taken for that purpose. He considered the practice of taking fees for admission to be disreputable to the country.

Sir *R. Peel* said, he had always expressed a strong opinion, and felt that there was great advantage from giving as free and unrestricted admission to these noble edifices as was consistent with security to the works of art contained in them. He could not conceive anything more likely to exercise a beneficial influence on the public mind than the free admission to examine such edifices; but due precaution should be taken for securing the monuments and other works of art from injury; although he believed, that, speaking generally, nothing could be more exemplary than the conduct of the great body of the people; and he was speaking of the working classes, because he believed that their conduct had been as exemplary as that of the higher classes; still the hon. Gentleman must be aware, that occasionally it did happen, as in the case of the Portland Vase, and also of some very valuable pictures, that there were exceptions from that general exemplary conduct. He did not mention that as a reason for additional restrictions; but that free admission should not be allowed to the injury of the works of art. That distinguished divine, the late Dean of Westminster, had had an interview with him; and he must say, he believed that it was the wish of the Dean and Chapter of Westminster to give those facilities of admission to the Abbey which they thought they could give consistently with security to the works of art; and he understood that the present Bishop of Ely did give, in pursuance of the promises he made, the fullest consideration to the subject, and that his exertions were constantly

directed towards that object. He had now the satisfaction of stating that—not in consequence of the hon. Gentleman's Motion—but in consequence of a communication he had made to the present Dean of Westminster soon after his appointment; and his having stated to him the opinion he had expressed to Dr. Turton, and represented how freely the public had been admitted to the cartoons at Westminster Hall, how exemplary their conduct had been, that there had been no instance of mischief, and that all, had retired with acknowledgments for the opportunity given to them for the inspection of the cartoons—he had a few days since received from Dr. Wilberforce a letter, in which he said—

"As I know your wishes respecting the admission of strangers into the Abbey, I trouble you with a line to say that I have just issued some new directions on that subject. Strangers are henceforth to be admitted without any payment into the south transept, the nave, and the north transept, that is, into the great body of the church. The only part from which they will be excluded, is from the choir (except at times of service), for obvious reasons, and the chapels behind the choir. These will be shown to them at a charge of 6*d.* a piece. This will be the only payment allowed in the Abbey. Such a payment is universal on the Continent."

He sincerely hoped that that would be an inducement to the deans and chapters of other cathedrals to do the same; and he trusted, that the hon. Gentleman would not raise any difficulty by proposing a Resolution on the part of the House of Commons, which they would have great difficulty in enforcing, imposing an obligation on parties who, he believed, were willing to allow as free admission as they could, consistently with due security to works of art.

Mr. *Cowper* said, the statement of the right hon. Baronet must be gratifying to the House. The reduction of the charge of admission to the Abbey had only tended to render the edifice more of a show-place than it was before. When the charge of admission was high, persons were allowed to walk in and go where they chose; but when a reduction was made, the persons admitted were assembled to the number of twelve, and they then went round, accompanied by a showman, who, in the vulgar manner adopted by exhibitors of waxworks, described the interesting monuments and relics in the building. He strongly objected to a church being converted into a place of exhibition; and he might remind the House that the Abbey was not erected with the object of enabling the dean and chapter to levy a tax upon the public. He thought the public might be admitted into the chapels gratuitously, if they were accompanied by a person whose duty it should be to take care that no injury was done to the monuments or to the edifice. He hoped that the concession announced by the right hon. Baronet was only the prelude to a still further concession, which would afford the public admission to all religious edifices without payment of any pecuniary fee.

Mr. *Williams* wished the right hon. Baronet had compelled the deans and chapters of Westminster and St. Paul's to give the public free admission to those edifices, for he would thereby have removed the stain upon the character of the clergy which attached to them under the present system of requiring fees. He believed the clergy of the Established Church were the only body in this country who demanded fees for the exhibition of their religious edifices. The cathedrals were public property, and did not belong exclusively to the clergy, who derived large revenues from their exhibition. He hoped his hon. Friend (Mr. Hume) would not relax in his laudable efforts to obtain admission for the public to all cathedrals without the payment of any fee.

Mr. *Borthwick* expressed his gratification at the statement which had just been made by the right hon. Baronet; but he thought the object hon. Gentlemen opposite were anxious to attain would be more effectually secured by the spontaneous good feeling of the clergy, than by any Resolution of the House. His opinion was, that the public ought to have access gratuitously to St. Paul's and Westminster Abbey.

Mr. *Hume* said, he had heard the statement of the right hon. Baronet (Sir R. Peel) with great satisfaction. He hoped the right hon. Baronet would exert his influence to have all other cathedrals, as well as Westminster Abbey, thrown open to the public. He thought the proposed charge of 6*d.* for admission to the chapels in Westminster Abbey, ought to be reduced to half that amount. Under the circumstances, he would not press his Motion.—Motion withdrawn.

South-Eastern Railway — Mr. Wray.] Mr. *Hawes*, in rising to bring forward the Motion of which he had given notice, could assure the House that it was not without considerable pain that he felt it necessary to call their attention to a portion of the Report of the Committee on the petition of the South-Eastern Railway Company. He had hoped that Her Majesty's Ministers would have spared him the trouble of making, and the House the pain of listening to, the statement of facts to which he now felt it his duty to call their attention. He knew little or nothing of the gentleman whose conduct he was about to bring under their notice. He had no personal feeling whatever towards that gentleman, and he was not aware that, except in his capacity as a public officer, he had ever spoken to him. But, after the notice which the conduct of Mr. Wray had received from the right hon. Home Secretary, he considered it his imperative duty to ask the House and the country to decide whether the strong disapprobation the right hon. Baronet stated he had expressed with regard to Mr. Wray's conduct was a sufficient punishment for the offence that gentleman had committed. It might be said this was a late period of the Session for bringing forward a question of this nature; but he must remind the House that the Report of the Committee to which he had referred was not laid on the Table until the 12th of July. The matter was then left entirely in the hands of the Government; but it was not till the 19th of July that the right hon. Baronet (Sir J. Graham) addressed a letter to Mr. Wray—that being the same day on which he (Mr. Hawes) had written to the First Lord of the Treasury (Sir R. Peel), intimating his intention to bring the Report under the notice of the House. The letter of the right hon. Home Secretary to Mr. Wray was not printed till the 22d of July, and he thought the House would admit that it was next to impossible for him to have brought this subject under their consideration at an earlier period. He (Mr. Hawes) wished also, before he took such a step, to obtain the sanction of others to whose judgment he greatly deferred; and this circumstance had alone prevented him from instantly calling the attention of the House to the Report. Now, what had been the conduct of Mr. Wray? The Committee, he might observe, were unanimous in their Report; they agreed upon all the material facts. Mr. Wray was a public officer, holding an appointment of considerable trust and responsibility, and very large sums of public money passed through his hands. It appeared that in 1836, Mr. Wray allowed himself to be retained as the paid agent of a private company to promote the success of a Bill introduced on their behalf, into Parliament. Mr. Wray stated that his engagement was of a strictly professional character. That engagement, it appeared, consisted in canvassing Members of Parliament, and subsequently in paying 300*l.* to a Member of Parliament for the services he had rendered to the Company, he having been a Member of the Select Committee, and having voted upon that Committee. He (Mr. Hawes) had not spoken to any Member of the profession on this subject who had not expressed regret at Mr. Wray's conduct, who had not strongly condemned it, and who had not entirely disclaimed the idea of considering such services in the light of professional services. He (Mr. Hawes) understood that the right hon. Baronet (Sir R. Peel) had given Mr. Wray a general permission to exercise his profession while he held the office of Receiver General. He (Mr. Hawes) considered, that in this case Mr. Wray had not acted in the exercise of his profession, but that he had abused the privilege granted to him by the right hon. Baronet. Here was a paid officer who, instead of devoting his attention to his public duties, became the paid agent of a private company, and through whose hands a bribe was conveyed to a Member of that House. What was the opinion expressed by the right hon. Baronet (Sir J. Graham) upon such conduct as this? He thought the House would be surprised to find that the right hon. Baronet had taken no notice whatever of this circumstance. In the letter which in that House the right hon. Baronet had said was strongly condemnatory of Mr. Wray's conduct, there was not even a passing allusion to this very remarkable circumstance. There was no fact in this case which might not be found in the shape of admission in Mr. Wray's own evidence. It might be important to ascertain what course the House had taken in cases somewhat similar to this; and it was for them to consider whether, in accordance with former precedents, they could consistently pass in this slight

manner over conduct which directly involved a breach of the privileges of the House. It was known to many hon. Members that in 1695 very serious abuses were brought under the notice of the public. At that period Members of Parliament and persons in very high stations were implicated in a system of jobbing somewhat similar to that which had been exposed. The House then came to this general Resolution—

"That the offer of money or any other advantage to any Member of Parliament as a fee or reward for him to promote the furtherance of any matter depending, or to be transacted in Parliament, is a high crime and misdemeanor, and tends to the subversion of the English Constitution."

There could be no doubt that all lawyers would construe such a Resolution to comprehend rewards given afterwards as well as bribes given before the Act done. It was also well known that at common law it was a misdemeanor to offer any reward to any public servant for doing that which he was bound to do without any reward. But the matter which he now sought to bring under the consideration of the House was not one altogether new. He would read a short extract to them, showing what had been done in the case of Mr. Bird :—

"Mr. Bird attended according to order, and was called in, and being at the bar was told by the Speaker that there had been a complaint made against him to this House for offering money to Mr. Musgrove, a Member of this House, to present a petition to this House. Whereunto he said, that some persons did apprehend that a Bill depending in this House for selling an estate, late of Mr. Howland, did affect their interest in part of that estate, and therefore desired him to prepare a petition to be presented to this House for the providing for their interest, which accordingly he did; and that he being a stranger to the proceedings of this House, and there being a title in the case, and knowing Mr. Musgrove to be a gentleman of the long robe, did intend to give him a guinea for his advice in that matter; but understanding by Mr. Musgrove that he had committed an error in so doing, he begged pardon of Mr. Musgrove, and as he did now of this House, and then withdrew. Resolved, that the said Mr. Bird be called in, and that Mr. Speaker do reprimand him upon his knees at the bar. And he was called in, and upon his knees reprimanded accordingly, and then discharged."

He called their attention to this matter for the purpose of showing them how affairs of this kind were dealt with in former times; and he might now add, that there was nothing worse in former times than were the transactions of the present day. He had shown what the House of Commons had done with men high in office —men of rank and station, and at the time of the South Sea bubble he found that the following Resolution had been adopted :—

"That the taking in or holding of stock by the South Sea Company for the benefit of any Member of either House of Parliament, or person concerned in the Administration (during the time that the Company's proposals, or the Bill thereto relating, were depending in Parliament), without any valuable consideration paid, or sufficient security given for the acceptance of or the payment for such stock, and the Company's paying or allowing such person the difference arising by the advanced price of the stock, were corrupt, infamous, and dangerous practices, and highly reflecting on the honour and justice of Parliament, and destructive of the interest of His Majesty's Government."

The case now before the House was one in which an attempt had been made to influence the conduct of Members of the House of Commons, by the application of money belonging to a public company. Then, he would ask, was the House of Commons in the present day to pass over such a case? Would they be satisfied with the weak and undecided letter which the right hon. Baronet had written? It was now time to make a stand against such proceedings, and to call upon the Ministers of the Crown to maintain the purity of the subordinate departments of the Government. He had already referred them to what had been done in the House of Commons, and he had no doubt that the proceedings of the House of Lords would be found to be in consonance with those of the representative branch of the Legislature. In fact, the Journals of the Lords showed this, as might be seen from the following Resolution :—

"It is resolved by the Lords Spiritual and Temporal in Parliament assembled, that the taking of stock belonging to the South Sea Company, or giving credit for the same without a valuable consideration actually paid or sufficiently secured, or the purchasing stock by any director or agent of the South Sea Company for the use or benefit of any person in the Administration, or any Member of either House of Parliament, during such time as the late Bill relating to the South Sea Company was depending last year in Parliament, was a notorious and most dangerous corruption."

Though this was a matter of great importance in the House of Commons, as well as out of doors, yet he refrained from the use of any harsh expression; and he might add, that throughout the whole proceedings of the Committee, there was nothing even approaching to harshness. He was bound further to state, that Mr. Bonham concealed nothing — that he frankly told all he knew—and that the Committee acquitted Captain Boldero of all personal corruption, though his conduct was most indiscreet. But, at the same time, the Committee were quite of opinion that that Gentleman would not, if the Solicitor to the Ordnance had been a man of a different character, have allowed himself to be entangled in such transactions. For Mr. Wray, however, there was no excuse. He took the money in question to Mr. Bonham, that gentleman being at the time under great obligations to him. He did not say that by way of any disparagement to Mr. Bonham, but for the purpose of showing that Mr. Wray ought to have been the last man in the world to solicit him to become concerned in such affairs. Nothing could be so indefensible as was the conduct of Mr. Wray. In bringing these proceedings under the consideration of the House, he stood forward in the discharge of a painful duty. If he had not undertaken that duty, the parties still could not have escaped the just censure of the House, for some other Member would have been induced to call on them to pronounce an opinion. In taking this step, he was sanctioned by the judgment and opinions of several hon. Members, and he felt that it now remained for him to take the sense of the House on the following Resolutions:—

"That it appears from the Report and Evidence laid before this House by the Select Committee on the South Eastern Railway Company's Petition, that Mr. Wray, the Receiver of the Metropolitan Police District, was, in the year 1836, the retained and paid agent of a private Company, to promote the success of a Bill introduced into Parliament on their behalf. That it also appears, from an Answer to an Address of this House, that the Secretary of State for the Home Department has, in consequence of the Report and Evidence referred to, addressed a letter to Mr. Wray, expressing his strong disapprobation of Mr. Wray's conduct. That it appears to this House, upon a reference to the Evidence, that Mr. Wray, on behalf of the South Eastern Railway Company, paid the sum of 300*l.*, derived from the sale of Railway Shares, to Mr. Bonham, for his services as a Member of this House, and as a Member of a Select Committee, to which the Bill of this Company was referred; a circumstance to which the Secretary of State has not adverted in the letter addressed to Mr. Wray. That in the opinion of this House, such conduct deserves not only the serious animadversion of the House, but disqualifies Mr. Wray from holding an office of trust and responsibility under the Crown."

Sir *J. Graham* said: As the hon. Member for Lambeth has so frankly and unreservedly stated the opinion which he entertains of my conduct, I must say, that I do not blame the course which he has thought proper to take upon this occasion. It appears to me that the question now before the House may be disposed of with very little loss of time, for the whole of the circumstances of the case lie within a very narrow compass. But, before I proceed to consider those facts, or to call the attention of the House to the conclusions which must necessarily be deduced from them, I beg to say that I am not at all about to dispute the constitutional doctrines which the hon. Gentleman has laid down. I have no intention whatever of denying the weight of those precedents to which he has referred us. I quite concur with him in thinking that no care is ill bestowed which has a tendency to preserve the purity of this House; and I also agree with him that it is exposed to some danger from the spirit of speculation which at this moment prevails; and furthermore, no man can, for a moment, doubt that strict impartiality ought to be religiously observed by the Members of this House in every matter, public or private, upon which they are required to give a vote. It is also equally unquestionable that no crime is greater than to attempt to seduce the Members of this House from the strict and uniform observance of that impartiality which forms one of their first duties. After expressing these several opinions, I now proceed to the other observations which I feel called upon to make. In the first place, I must observe that I have not risen for the purpose of defending Mr. Wray; nor is it my intention in any respect to palliate his conduct, and, therefore, all that I have now to say may be very briefly brought before the House. To the best of my judgment, I have in this case endeavoured to do justice, and to give effect to that which I conceived to be the decision of the Com-

mittee. The hon. Member who brought forward this Motion has told the House that he had no acquaintance with Mr. Wray, nor any knowledge of him previous to the investigations which took place before the Committee. Now, it so happens that, notwithstanding I have been in office during a period of four years, I never yet came into personal contact with Mr. Wray. He is to me a perfect stranger; I therefore cannot have been influenced towards him by any favourable feeling. I can most truly state that until I wrote the letter which has been brought under the notice of the House, I never had any intercourse with Mr. Wray, nor have I ever received any application on his behalf from any friend of his, nor have I been solicited with reference to him in any form whatever. When I wrote to him, therefore, I felt myself perfectly free to take a dispassionate view of his case. The hon. Gentleman has expressed strong regret that he should have been under the necessity of bringing forward the Motion upon which the House now finds it necessary to decide. I confess I feel some surprise that, as he did consider it his duty to make this Motion, he should have thought proper to make it at so late a period of the Session. I must say I think it very unfortunate that these Resolutions were not proposed ten days ago. Looking round me, I do not at present see any Members of that Committee, excepting the hon. Gentleman, who presided over its deliberations, and one other Member. [Mr. *Hawes:* There are three Members of the Committee present.] Well, admitting that there are three present, three out of fifteen is a very small minority. But, setting aside questions so comparatively unimportant, I proceed to call the attention of the House to this—that the matter really at issue is, have I or have I not fulfilled the recommendations of the Committee? Now, for that purpose, I repeat that I used my best endeavours. I think I have been fortunate enough to render those endeavours successful; but before I enter into the discussion of that point, there are two or three circumstances to which I wish to advert, and it appears to me that those circumstances ought not to be lost sight of. The hon. Member for Lambeth says that Mr. Wray bribed a Member of this House, and by the bribe which he gave him purchased his co-operation. What is the fact? It was distinctly shown in evidence before the Committee, that the part taken by Mr. Bonham was taken without any reward or promise whatever; and the opinion of the Committee to that effect is set forth in the Report as clearly as it is possible to make any kind of statement. But, then, it is asserted, that the alleged offer made to Mr. Bonham was made at the suggestion of Mr. Wray. The witness Sewell said it was made principally at his suggestion—that is, at the suggestion of Mr. Wray. Now, I fearlessly state, that in this matter I can have no favourable feeling towards Mr. Wray, for he is unknown to me—while, on the contrary, I have long been acquainted with Mr. Bonham, and I am proud to call that gentleman my friend. He has committed a very grave error, and Mr. Bonham never dissembled the extent of that error. I regret that he should have been betrayed into it, but he still is my friend, and I shall continue to call him my Friend; but, though Mr. Wray is not even known to me, I still am bound to do him justice. From the evidence, or at least from a part of it, it would appear that Mr. Wray had some peculiar and personal objects in making the offers which were said to have been made to Mr. Bonham—that, in fact, he was a creditor of Mr. Bonham, and expected to receive the amount of his debt out of the proceeds of such advantages as were expected to accrue from these railway transactions. But these assertions have been altogether disproved. Nothing can be more clear than that Mr. Wray did not touch a single farthing of the money which came into Mr. Bonham's possession. My prejudices, as I have already said, are against Mr. Wray, and in favour of Mr. Bonham, and I wrote to Mr. Wray under the influence of those impressions. Mr. Wray, when he came before the Committee, was told to bring his private account which he had at Drummonds'; but the Committee did not examine that account. And Mr. Elgood was also in attendance, but he was not called in by the Committee. From Mr. Wray's account at Drummonds', it was clear enough that neither directly nor indirectly did he derive any benefit from these railway transactions. To say thus much, is due in common justice to Mr. Wray. The hon. Member for Lambeth says, that I have not referred to the payments made to Mr. Bonham by Mr. Wray; but these were payments made long anterior to the period into which it was the duty of

the Committee to inquire. That which I wished to do was, to notify to Mr. Wray my strong disapprobation of the course pursued, and I did notify my disapprobation of the whole transaction. My wish, as I have already said, was to give effect to the Report of the Committee, and I think it important that any hon. Member should notify wherein I failed to give effect to that Report; and I think I have succeeded in causing such measures to be taken as should meet the exigencies and equity of the case. With respect to Mr. Hignett, I can of course have no hesitation in saying that his conduct was proved to have been such that it became necessary he should be removed from the place he held in connexion with the Board of Ordnance. As to the conduct, however, of Mr. Bonham and Captain Boldero, it was shown that their conduct was not so culpable as that of Mr. Hignett; but yet it was the opinion of the Committee that they should withdraw from the service of the Crown, and that their conduct was inconsistent with the strict impartiality which should characterize officers of Government Departments and Members of this House. So soon as Mr. Bonham and Captain Boldero learned the decision of the Committee, they tendered the resignation of their offices, and those resignations were accepted. At page 13 of the Report the Committee say—

"Your Committee cannot conclude without calling the attention of the House to the evidence given by Mr. Wray, the Receiver General of Police."

That evidence is fully set forth in the Report, and nothing can be more clear than this, that no payment was made to Mr. Bonham. I am called on to give my opinion as to the punishment that ought to be inflicted on Mr. Wray. I find that immediately after the passage I have just quoted, the Committee gave it as their opinion that the conduct of Mr. Wray called for very severe animadversion. Looking, then, at the Report of the Committee, and at the fact upon which it is founded, I still hesitated before I made up my mind on this question, whether or not I should dismiss Mr. Wray; and before I finally decided I inquired of more than one Member of the Committee—since it was not a private Committee—as to what occurred with respect to the part Mr. Wray took in the transaction. I was told that the part of the Report, as originally framed by the Chairman, did not stop at the words "serious animadversion;" but that there was added to that expression a sentence, to the effect that "the attention of the Secretary of State for the Home Department ought seriously to be called to the conduct of Mr. Wray." I was, Sir, assured that these last words were, after a discussion in the Committee, deliberately withdrawn, and that there was no division upon them. That circumstance, when it came to my knowledge, did most materially influence my conduct in the steps which I took with respect to Mr. Wray. If the words originally contained in the Report had been retained there when it was presented to this House, I should have thought that the Committee deemed it necessary for me to adopt some extremely stringent measures with respect to Mr. Wray, and I should have acted accordingly. [Mr. *Hawes:* The right hon. Gentleman has not told all that passed with regard to Mr. Wray.] I am quite sure that I am stating correctly the facts that were narrated to me by the noble person who formed one of the Committee; and the observation of the hon. Member confirms me in the opinion which I have already expressed as to the disadvantages of discussing a question like the present in the absence of those hon. Members who were on the Committee, and who would be able, if present, to state the facts better than I can do. The real question which is before the House is, whether in fulfilling the functions of the high and responsible office which I have the honour to hold, I have acted fairly and with strict regard to justice and impartiality? I contend, therefore, that I have a right to enter into a consideration of what took place in the Committee; and I do assert that the knowledge on my part of the fact that the words which I have repeated were proposed to be inserted in the Report and were deliberately left out, did most materially and justly weigh with me in writing the letter which it became my duty to address to the individual whose conduct was referred to in that part of the Report. All the individuals implicated in these transactions, have, in so far as Her Majesty's Government had it in their power, been punished. Mr. Hignett was dismissed from his situation as Solicitor to the Board of Ordnance. Two others, one a Member of this House, and the other a

Member of the Government, offered their resignations under the most painful circumstances. Mr. Wray, whose position is inferior to that of the gentlemen in question, has been severely censured by me; and I must now say, that, on the whole, though I may be held to have been wrong in what I did, I should under the same circumstances, do the same again that I have done; and I say that every dispassionate man, on reading the Report of the Committee, would come to the same conclusion that I have done with respect to the precise amount of blame which is attached in the words of the Report itself to the conduct of each of the individuals implicated in the transactions inquired into. It will, therefore, be for the House to determine the question upon the grounds which I have now laid before it.

Mr. *Hawes,* in explanation, would state to the House the facts relative to the alteration of the Report, without making any comment. The original draught of the Report, as framed by himself in his capacity of Chairman of the Select Committee, said, with reference to Mr. Wray, that "such conduct deserved the immediate notice of the Secretary of State for the Home Department." Some objection was taken by a Member of the Committee to the introduction of the mention of the Secretary of State in the Report. It was urged that the duty confided to the Committee was to examine into the matters referred to them, and to report the facts to the House; and it was then proposed that, in lieu of drawing the attention of the Home Secretary to the conduct of Mr. Wray, the words "serious animadversion" should be substituted. He confessed that he was of opinion at the time that this expression was far more severe than that which he had originally proposed, but at the same time he did not think it was more severe than the circumstances called for.

Mr. *Sheil* said, that the statement of the right hon. Baronet was, that he had given to the composition of the letter to Mr. Wray the utmost care and attention —weighing, in fact, every expression employed in it. He admitted that he had sent for a noble Lord a Member of the Committee—Lord Ashley, he presumed— [Sir *J. Graham:* I did not say so.] No, but he was justified in assuming that it was the noble Lord, as the right hon. Gentleman had been in communication with a noble Lord a Member of the Committee, and Lord Ashley was the only noble Lord to whom the description could apply. He could not help, however, thinking it rather extraordinary that the right hon. Gentleman should not have consulted the chairman of the Committee as to a fact in which the chairman was principally concerned. The draft of the Report was furnished by the chairman in the performance of his official functions as head of the Committee. Certain alterations were made in it: but would it not have been the regular course, in inquiring into these alterations, to have sent for the individual with whom the Report had originated? The right hon. Baronet stated, that he had not written this letter in a careless, hasty mood, but that, on the contrary, he had well weighed its every expression—every phrase. Now, that being the case, it was curious that he should have omitted from the letter to Mr. Wray all mention of the principal charge brought against him. The Report of the Committee made a distinct specification of that particular charge. Let the House listen to the concluding paragraph of that part of the Report which referred to Mr. Wray:—

"Your Committee feel the greatest regret in being obliged to direct the attention of the House to a circumstance which has been disclosed in the course of this investigation, viz., that Mr. Bonham received from the South Eastern Railway Company in the year 1836, at which time he was a Member of the House of Commons, the sum of 300*l.* This sum appears to have arisen from the premium upon the sale of 100 reserved shares, which were, subsequently to the passing of the Bill, appropriated to Mr. Bonham, and disposed of for his benefit, and was paid by a check to Mr. Bonham, through Mr. Wray, as a gratuity for the services which he had rendered to that Company, both in and out of Parliament, and as a Member of the Committee on the South Eastern Railway Company's Bill. But the Committee are bound, in justice to Mr. Bonham, to add, that they received no evidence to show that such gratuity was the result of any previous arrangement between Mr. Bonham and the Company."

Here then (said the right hon. and learned Gentleman) is a fact—a most material fact —selected by the Committee, dwelt on by the Committee with more distinctness, and in a spirit of more specific reprehension than any other, and one in reference to which, as the immediate antecedent (you will excuse the legal expression), the Com-

mittee reported they could not abstain from saying that "the conduct of Mr. Wray was deserving of serious animadversion." It is to that—what shall I call it?—most unfortunate transaction, in which Mr. Wray and Mr. Bonham were both implicated, and with respect to which, if Mr. Bonham is criminal at all, Mr. Wray is far more culpable, that the Committee directed the special attention of the House. And yet that is the very fact which the right hon. Gentleman, I will not say studiously omitted, but which, after mature deliberation, he neglected to notice. I turn from one part of the conduct of Mr. Wray noticed by the Committee, to the other reprehended in the letter of the right hon. Gentleman, and which really was not a serious charge—that this Gentleman was the paid agent of a Company at the same time that he was a paid officer of the Government. The right hon. Gentleman says:—

"I have learnt with regret from this Report, that you were, in the year 1836, while holding a responsible office under Government, retained as a paid agent of a private Company to promote the success of a Bill introduced into Parliament on their behalf; and that you were engaged to canvass Members of the House of Commons in favour of that measure during its progress through Parliament."

[Sir *James Graham:* Read on.] The right hon. Gentleman continues:—

"It now becomes my duty to convey to you my strong disapprobation of the course which you thus pursued. I do not think it necessary, on the present occasion, to express any opinion whether the due performance of the duties of Receiver General of Police might or might not have been, in the first instance, compatible with private practice as a barrister; but I can entertain no doubt that your interference, especially as a paid agent in canvassing Members, must tend to weaken the confidence of the public in the impartiality of the Government, whose officer you are, and materially to impair your efficiency in the performance of the official duties which are entrusted to you."

Now, I must say, with reference to this part of the reprimand of the right hon. Gentleman, that to canvass Members of Parliament in that lobby is one thing, and to apply to an individual Member of a Select Committee to use his influence to pass the Bill which was referred to that body—to solicit his sustainment of a measure, in reference to which he stood in a fiduciary and, I may say, judicial capacity—is quite a different thing. Now, hear the statement made by Mr. Bonham, whom the Committee reported to have regularly attended and voted on the Committee of the South Eastern Railway Bill:—

"In the early part of the Session of 1836, Mr. Wray, to whom I was under considerable obligations (it is not necessary to state them with explicitness), came to me and said, 'I am very much interested in the success of the South Eastern Railway, and I wish you would give us a lift; and I want your advice upon some points.' I said, 'My dear Wray, I owe very great obligations to you, and I will do anything I can to serve you.' He said, 'I should be very much obliged to you if you would.' And upon that, I have not the least hesitation in stating that I did all I could individually to assist Mr. Wray in the object he had in view; that is, in plain terms, I did what I could to assist him in passing that Bill, both in and out of Parliament. Mr. Wray never held out to me one word, nor did any conversation ever take place, as to any advantage of any kind or sort that I was to derive from it. I considered it a great personal advantage; I mean personal, with reference to the debt of gratitude that I owed him."

Now, I think, it will be admitted that Mr. Wray, being the creditor of Mr. Bonham, and having the power of dictating, as has been said by a high authority, "in all the obsequious forms of peremptory submission," his application on the Bill referred to was something very different from what we understand as the canvass of Members of Parliament. [Sir *James Graham:* Read on.] I shall read that part to which the right hon. Gentleman seems to refer:—

"I can only state again that, as to the transaction itself, there was never, at the time I assisted them, the smallest expectation on my mind of deriving any advantage from it; and of course, when I state this, the Committee will most naturally and properly take care to ascertain that fact from other quarters."

Now, I will say more. I have read the evidence carefully, and I have not found an insinuation, even in the shape of an intelligible inuendo, that any arrangement was previously entered into with Mr. Bonham that he should vote in a particular way. That the communication was understood by Mr. Bonham to be in the shape of a bribe, is what by no circumlocution, or by the most malignant paraphrase, can be inferred; but what the meaning of Mr. Wray's offers were, can be best interpreted by his own evidence. Here it is:—

"CHAIRMAN: Were you not appointed to confer with Mr. Bonham upon the matter?—An offer of 100 shares was made through me to Mr. Bonham.

When did you make the offer to Mr. Bonham?—Subsequently to the passing of the Bill.

How?—I do not know. I am very intimate with Mr. Bonham; I very likely told him.

What did you tell him it was offered for?—I told him they wished to show some mark of gratitude for his favours, and that 100 shares were therefore placed at his disposal.

Mr. ROEBUCK: For the services he had rendered to the Bill?—Yes.

In what capacity?—For the general support he had given to the Bill.

In the House of Commons?—He was in the House of Commons, I think.

CHAIRMAN: You do not doubt that he was in the House of Commons?—I think he was.

Mr. ROEBUCK: Could he have rendered assistance in any other way?—I do not think he could, except by canvassing parties out of doors. There were several Members of Parliament who were equally active, I think, with him.

Did they receive any money?—I do not know; I am not in the least aware.

But he was an active Member of Parliament, and paid for his activity?—He was an active Member of Parliament, and paid in that way, you may take it.

CHAIRMAN: But you have no doubt of the fact that 300*l.* was awarded to Mr. Bonham, and he received it?—None.

Mr. ROEBUCK: For his services as a Member of Parliament?—The Committee must draw its own inference; I can only say that they felt very grateful to him for his services both in and out of doors."

Now, under these circumstances, can the House be of opinion that the letter addressed to Mr. Wray by the right hon. Gentleman, within whose cognizance this matter specially fell, was of the character it ought to be? The Committee, composed of men of high rank and station in this House—men of all parties, the majority being of the right hon. Gentleman's own party, and there not being a single division, were unanimous that Mr. Wray deserved serious reprehension. For what? For that which the right hon. Gentleman entirely omitted in his reprimand. The charge I bring against the right hon. Gentleman is, that "canvassing Members of Parliament" did not include the specific accusation brought against Mr. Wray, and in that respect the right hon. Gentleman was himself in fault; for—

"Judex damnatur cum nocens absolvitur."

The right hon. Gentleman says he is himself implicated in this case; and of a sin of omisson I think he has proved himself guilty.

Mr. *W. Patten* said, that it was impossible to pursue a discussion like the present without inflicting a very serious degree of pain upon many individuals; and if that was the object in view, he should have supposed that the suffering occasioned by the former discussion had been sufficiently severe. He should therefore abstain from entering upon any topic other than that immediately under consideration, namely, the construction to be put upon the Report. He must, however, be permitted to observe, that as the right hon. Baronet had referred in handsome terms to Mr. Bonham, whose friendship he had not hesitated to claim, so he (Mr. W. Patten) must say with reference to Captain Boldero, that he was guiltless of everything, except indiscretion, in the transactions reported upon; and he fearlessly asserted that his friend Captain Boldero was entirely innocent in the matter. Not one of the Committee had said a word which could affect the honour of Captain Boldero; and he regretted very much, though the circumstance was highly to his credit, that he should have felt called upon to resign his office. The hon. Member for Lambeth had alluded to the unanimity which prevailed in the Committee. Looking to the particular circumstances brought under discussion by him, he thought the hon. Member would have acted somewhat more fairly if he had referred to the Members of the Committee, and have asked their opinions before he brought his Motion before the House. He was bound to express his conviction, that if the Committee had to make their Report over again, they would not convey their opinion in the language stated by the hon. Member. He had taken notes of what had occurred in the Committee, and from their perusal, aided by his own recollection, he must certainly state that the words "serious animadversion" were not intended by the Committee to lead to the course against Mr. Wray recommended to be adopted by the hon. Member for Lambeth. Several circumstances concurred in leading the Committee to adopt a lenient and moderate course—amongst those circumstances the lapse of time since the transactions occurred, and the imperfect recollection of the transactions by Mr. Wray. He must, therefore, repeat his

observation that he could have wished the hon. Member had taken the opinion of the Committee before he adopted his present course. He must say, that the right hon. Baronet had correctly judged of the Report. If he had not done so, he (Mr. W. Patten) must state, that he himself ought to be held responsible for not having more accurately and precisely expressed his meaning when he agreed to the expressions referring to Mr. Wray. The right hon. Baronet had no power to act beyond that line which the Committee had distinctly marked out for him, for the Committee itself selected the evidence upon which Mr. Wray's culpability rested. Then it proceeded to say, having given that summary of the evidence, "Your Committee cannot abstain from expressing their opinion, that the part taken by Mr. Wray is deserving of serious animadversion." Now, he (Mr. W. Patten) was bound to say, if the right hon. Baronet had actually dismissed Mr. Wray, considering that Mr. Wray was his own accuser, and looking at all the circumstances of the case—though he would not say that it would not have been just—that he should have regarded it as a rigid measure of justice; and he did think that the right hon. Baronet, in taking a lenient course, had erred, if he had erred at all, upon the right side. He had a strong opinion upon the criminality of the practice imputed to Mr. Wray; and he agreed, that at the present moment every exertion should be made by that House to check its progress. He was unwilling, however, that the House should come to a decision upon this point when so few of the Committee were present; but he felt, also, that he should be acting in a more severe manner than the case justified if he should accede to the Motion of the hon. Member for Lambeth; he hoped, therefore, that the hon. Gentleman would not feel aggrieved if he (Mr. W. Patten) should move the previous question. The question was one of the most painful in which he had ever been engaged, since he had been a Member of that House. He did not know Mr. Wray—he had never seen him till he entered the Committee room, nor had he seen him since—but he must say, that if Mr. Wray possessed the common feelings of humanity, a much severer punishment than that which had been inflicted upon him by the right hon. Baronet, could not by possibility have been passed. He should, therefore, move as an Amendment the previous question.

Lord *J. Russell* said: Sir, the question now before the House is, whether the House shall think proper to take any notice of a transaction with respect to which a Committee has laid a Report before the House; or whether the House shall entirely pass it by? The hon. Gentleman who has just sat down, and who moved the previous question, says, that this is a painful subject. No doubt it is a painful subject, as all accusations involving the character of individuals must be; but the question really for the House to consider, is, whether, because it is a painful subject, they can altogether avoid expressing any opinion upon it, and whether it is not due to the character of the House and to public justice that some Resolution of this kind should be passed? There is no doubt that every case of a Resolution of censure—that every case of impeachment, especially, which is brought before this House, imposes on it a painful duty; but if it is a question on which the House is bound to express an opinion, its being a painful duty is no reason whatever why we should endeavour to evade it, and to shrink from the performance of that which the Constitution has made it incumbent on us to perform. The right hon. Gentleman has stated, that it is very unfortunate that my hon. Friend should have brought forward this Motion so late in the Session. I own, I hardly expected that that would be brought as a reproach against my hon. Friend. As soon as I perceived that a Report was coming into this House, I asked my hon. Friend, if he were not going to take some notice of it? He replied, that he thought it right to wait a week, that you might have full time to deliberate and to decide upon the course which you might think right? I thought that my hon. Friend took a just and proper determination—it was a determination of forbearance towards the Executive Government, and I thought he acted rightly. But it is now made a reproach to my hon. Friend. ["No, no."] It is now, I say, made a reproach to my hon. Friend, that he did not ten days ago, bring forward this Motion. That is the charge which the right hon. Gentleman thinks it decent to bring against my hon. Friend. Why, it was necessary, as my hon. Friend had waited so long, that he should then ascer-

tain from the Ministers of the Crown what course they had adopted; and when the right hon. Gentleman said, that he had contented himself with writing a letter of reprimand to Mr. Wray, it was proper that he should see that letter, and should consider what it was incumbent on him then to do under the circumstances; so that delay could hardly be avoided, consistently, in the first place, with the forbearance due to the Executive Government, and in the next place, to the justice of the case. But then the right hon. Gentleman says, that he has considered the case with the view of adopting the recommendations of the Committee. That is the whole case of the right hon. Gentleman, and that, as I think, involves a mistake in judgment which he committed. When I say a mistake in judgment, I am not accusing him of any particular partiality to Mr. Wray. I do not say, that Mr. Wray is a friend or political partisan of the right hon. Baronet; I am not making any accusation of that kind; but the right hon. Gentleman will allow me to say, that I think he committed an error in judgment, in his place as a Minister of the Crown, in the course which he adopted. It does not appear to me that the Committee had any business to apportion the punishment which might be due for the several faults or offences which they might find to have been committed; that, I think, was no part of the duty of the Committee. I cannot find, with regard to more serious offences, that Committees of this House have ever thought it to be their duty to apportion the amount of punishment which ought to be inflicted. I was referring to a case of a much graver nature than this, viz. that of Sir Jonah Barrington, who was removed from his office in consequence of an Address of this House. I find that the Committee stated all the circumstances — they stated the culpability of Sir J. Barrington in having converted to his own use moneys paid in by certain persons who were before his court; but they never laid down what the penalty should be. Being a Committee carefully and judiciously performing their duty, they thought it no part of their duty to tell the House, or to dictate to the Crown, what should be done. That was the business of the House; and this House and the other House undertook that duty, a painful one no doubt; they addressed the Crown for the removal of Sir J. Barrington, and the Crown complied with that Address. That is the business of the House; and, therefore, I think that the right hon. Gentleman is quite mistaken in saying that he was to look to the Report of the Committee, and to endeavour to gather from their words what was the exact course which he was bound to take with regard to Mr. Wray. I think he was still more in error when he endeavoured to gather from a single Member of the Committee what had passed in the Committee, and what were the general views of the Committee—I think he was wrong to take any such course; but I think, if he had adopted such a step at all, that he should have gone to the Chairman of the Committee. The right hon. Baronet, however, asks the opinion of a single Member; he gathers from him what he thinks to be their opinion; he acts upon that opinion, and it turns out to be totally at variance with the opinion of the Chairman, and, as the Chairman supposes, with that of the Committee itself. That shows that the right hon. Gentleman is in error when he conceived that it was his duty simply to take into his consideration the Report of the Committee. Well, now, Sir, what I have said is for the purpose of showing that I think this was a matter for the House to consider, and not for the Committee. I think that my hon. Friend was justified in bringing it before the House; because I consider that the offence is a very grave one, and that it cannot be passed over by this House without inflicting a serious injury upon the character of the House. What has the right hon. Gentleman done? He has, in the opinion of my hon. Friend, and in my opinion, entirely passed over the offence of offering 300*l.* to a Member of this House for his services in this House, and has only censured Mr. Wray for having undertaken business incompatible with the due performance of his functions. Why, if Mr. Wray had undertaken the common duties of a barrister—if he had pleaded in the Court of Queen's Bench—if he had done anything that would have been commendable in any other person not a public functionary, I think that this reprimand would have been almost as applicable as to the present case. It is as if any office-keeper or messenger in the right hon. Gentleman's office should be distributing bribes to the electors of Westminster at the time of an election, and

the right hon. Gentleman should say to him, "I don't think it right that you should continue to distribute those bribes, because it takes up your time, the whole of which you should devote to the Home Office." That is just the sort of reprimand which the right hon. Baronet has given in this case, and therefore I think that it is inadequate. Now as to the kind of offence which has been committed. I have compared it to what I think is the nearest analogy that can be made to it, viz. to the offence of bribing electors who are entitled to vote in the election of a Member to serve in Parliament. It is an offence of a like nature, but of a higher degree. The right hon. Gentleman says, that Mr. Wray never said to Mr. Bonham, "If you take a part actively in our favour in the Committee, and if you promote the South-Eastern Railway Bill in the House, you shall have a particular reward." The right hon. Gentleman was right in that; but how is the offence of bribery defined in the case of voting for Members to serve in Parliament? The Act relative to bribery has a clause with regard to giving head money at elections, and after stating that such a practice prevails, it says—

"Be it declared and enacted, that the payment or gift of any sum of money to any voter before or after any election, or to any person on his behalf, or to any person related to him by birth or affinity, on account of such voter having voted, or refrained from voting, whether paid under the name of head money, or under any name whatsoever, the same shall be deemed to be bribery."

And that is, whether there is any previous understanding or not; there is nothing in the clause with respect to any previous promise—the only question is, whether money is paid to him on account of his having voted, or having refrained from voting, at any election. Then I come to this case; and I ask, is it on account of the votes and of the conduct of Mr. Bonham, as a Member of this House, that 300*l.* was paid to him, derived from shares which had been disposed of by Mr. Wray for the purpose of obtaining that 300*l.*? and I find this in the evidence, after proof is given of the offering of 100 shares to Mr. Bonham by Mr. Wray:—

"What did you tell him it was offered for?—I told him they wished to show some mark of gratitude for his favours, and that 100 shares were therefore placed at his disposal.

"Mr. Roebuck: For the services he had rendered to the Bill?—Yes.

"In what capacity?—For the general support he had given to the Bill.

"In the House of Commons?—He was in the House of Commons, I think.

"Chairman: You do not doubt that he was in the House of Commons?—I think he was.

"Mr. Roebuck: Could he have rendered assistance in any other way?—I do not think he could, except by canvassing parties out of doors. There were several Members of Parliament who were equally active, I think, with him.

"Did they receive any money?—I do not know; I am not in the least aware.

"But he was an active Member of Parliament, and paid for his activity?—He was an active Member of Parliament, and paid in that way, you may take it."

Now, that is the whole case; and that justifies, I think, my hon. Friend in saying that this was a bribe administered by Mr. Wray to a Member of this House for his active services as a Member of this House. That is the case as admitted by Mr. Wray; and this which I have before read is that which you, by an Act of Parliament passed a few years ago, have declared to be bribery at elections. Of this you may be sure, that there is no man who is a handloom weaver, or a cobbler, or a day labourer in agriculture, who, if found receiving money under such circumstances for having given his vote, and brought before a court of law, would not be convicted of bribery, and suffer the penalty due in that behalf. If that be the case—if any man in those circumstances—if any man compelled by his poverty, is tempted by the offer of 5*l.* or 10*l.* to gain a sum by which his wife and family may be supported—if such a man is to be sent to gaol, and to be subject to a heavy penalty—I say it is not justice to allow 300*l.* to be given to a Member of Parliament for his vote, and afterwards to adminster to the person who gave it, only a gentle rebuke for his improper interference in matters which were inconsistent with his business as Receiver General of Police. That is the view which I take of the case; and there are no considerations of the pain it may give to Mr. Wray, or to any other person who has committed this offence, which would induce me to refrain from giving my vote upon this occasion in support of the Motion of my hon. Friend; by which means I believe I shall best meet the justice of the case, and uphold the dignity of this House. The House declares, that it will visit se-

verely the offering of any gratuity to any Member of this House for any part of his Parliamentary conduct. Are you prepared not to act up to that? Do you mean to declare that the Resolutions of 1695, or of the time of the South Sea bubble, were of an age too virtuous for your imitation—that you dare not imitate the times of William III. or George I.—and that in these days we must be more lax in the rules which we apply to Members of Parliament? I trust you will not sanction such an inference as that; and yet you cannot pass this matter by by voting the previous question without inducing that inference, and compelling the public to believe that you do conceive it a small offence, sufficient that it is mentioned with a reprimand, that 300*l.* is given to a Member of Parliament for his vote and influence upon a Private Bill in this House. Then it appears that this happened a long time ago, in 1836. That may be. But in the case of Sir Jonah Barrington, with respect to whom an Address of this House was presented to the Crown to remove him from his judicial office, the greatest punishment that could be inflicted on any one holding the office of Judge, was passed in 1829. The offences were committed in 1805 and 1810, and they were not represented to this House till twenty-four years after; and then that was an offence for which this House, and the House of Lords, without any difference of opinion, without any division, carried up an Address to the Crown, praying that Sir Jonah Barrington might be removed. Sir, the right hon. Gentleman, in the last place, says it will be an attack upon, or a censure upon him, if this Resolution shall be passed. Why, Sir, are we to come to this, that we cannot preserve the purity of this House, if our doing so should in any way reflect on the purity of the Secretary of State? Are we to have it said, "You must not endeavour to protect your Members from the offence of bribery, to remove those who have in any way attempted to bribe—not because the Secretary of State is in any way involved in this corrupt transaction — not because he is in any way connected with the offending party — but because, on reviewing the offence, he came to one opinion, and therefore the House of Commons must not venture to come to another." Are we really sunk so low as this? I dare say many official Gentlemen are here who will be ready to maintain the infallibility of the Secretary of State; but I must raise my voice on behalf of the House of Commons. I must say that the House of Commons, however late it may be in the Session, if the Secretary of State has not shown a good judgment, ought to show a better. I do not think a Secretary of State need be much ashamed if the House of Commons should venture to say, in a matter that concerns themselves, that they have formed a judgment different from his—one formed on juster precedents, and tending more to the purity of Parliament. And I think it hardly fair for the Secretary of State to say to the House of Commons, "Do not come to this Resolution, because, if you do, you will be reflecting on me, I having come, ten days ago, to a different decision; I read the Report. I considered it quite by myself without consulting any body else; mine is therefore to be reckoned an infallible decision, and you are not to deal with it." The right hon. Gentleman says, too, that his decision has been one of lenity. I do not impute to him in this case the being actuated by any other motive than a wish not to deal too harshly with a public servant, placed under his own auspices, but with whom he has no personal connexion. But I do not think the right hon. Gentleman always takes the lenient view. I have known individuals, foreigners in this country, who were exposed to charges that they were suborners of assassination, and the right hon. Gentleman having received those accusations in the month of February, in the one year, brought them forward in the month of April in the next year, having allowed fourteen months to elapse, without inquiring whether there was an answer to those accusations, which should prove them to be untrue, false, and unfounded. I think a right hon. Gentleman who could so have acted, can hardly take credit for his leniency; can hardly take credit for being a person who is ready to spare the feelings of others—can hardly take credit for having acted from no other motive than regard to public concernments. I shall never forget that case; it made a very deep impression upon me; I think it reflected upon the hospitality of this country. But this case is eminently one of justice; I think it a case in which the justice of this House is concerned. The right hon. Gentleman (Sir Robert Peel) received the

resignations of Mr. Bonham and Captain Boldero. If he thought they had been unjustly treated—that their offence did not merit removal from the public service, he had only to say, I shall not offer your resignations to Her Majesty; I think you are innocent, and it is my duty, therefore, to ask you to continue to hold your offices. He judged otherwise, and I think rightly. I think neither Mr. Bonham nor Captain Boldero ought to have continued to hold their situations in the public service. But with respect to their offences there is a mighty difference. In regard to Mr. Bonham's connexion with Mr. Wray, he is so far guilty, that although he did not expect to receive a pecuniary reward, he did not withstand the temptation of 300*l.* offered by a Company for services performed in this House. Therefore I think the right hon. Gentleman could not do otherwise than tender the resignation of Mr. Bonham to Her Majesty, and advise her to accept it. With respect to Captain Boldero, I think it was a much more doubtful matter. I myself consider that there was no criminality attaching to Captain Boldero, though I consider there was conduct which did not become a person holding an office in a public department which had to give its consent to certain railways with which he chose to be connected. I do not think there is any proof that reflections which might have struck a more discreet person than Captain Boldero, did strike his mind, or that he was aware of the impropriety of his conduct. I think, therefore, it amounted to this—that the right hon. Gentleman was bound to accept his resignation, and did his duty in tendering it to Her Majesty; while I think it was fair that he should, as I dare say he did, express to Her Majesty his very great regret that such should be his public duty towards a man whose personal integrity he had no reason to doubt. But the case of Captain Boldero being what I have just stated, now comes the question whether another person who was concerned much more deeply, and with respect to a much more grave offence, should be allowed to escape only with a letter which he could show merely as a proof that the Secretary of State did not think it altogether proper that he should act as a barrister at the same time that he was Receiver General of Police. Is this fair and equal justice? I do not see any reason why you should act differently in that case from the others. I will even say, if there are men to whom you are disposed to act with partiality, you should be more strict in visiting their misconduct with this penalty, but that should not prevent you from inquiring into the justice of the case before you, and dealing with each as he deserves. This is, in fine, not a question of accusation against the Ministers of the Crown, as the right hon. Gentleman has chosen to put it; it is a question regarding the purity and character of this House, upon which, if the House were to agree with my hon. Friend, they would certainly impugn the justice, while they did not call in question the purity of the motives of the Secretary of State for the Home Department. This, as far as I see, is the whole question, and I shall certainly give my vote in favour of the Motion.

Sir *R. Peel:* The noble Lord has entirely mistaken the purport and intent of the observations of my right hon. Friend, when he complained of the late period of the Session at which the hon. Gentleman had submitted this question to the consideration of the House. My right hon. Friend, with myself, was disposed to give to the hon. Gentleman all due credit for that forbearance which led him to postpone any question as to the course which her Majesty's Government intended to pursue, until the lapse of that period which should enable them maturely to consider the bearing and effect of the Report agreed to by the Committee. My right hon. Friend said nothing to-night which was meant in the slightest degree to charge the hon. Gentleman with any neglect of duty in that respect. But this was the fact to which the observations of my right hon. Friend had reference, that the letter which my right hon. Friend wrote to Mr. Wray, conveying the decision of the Government to him, was presented to this House on the 22nd of July. If the hon. Gentleman were dissatisfied with the decision to which my right hon. Friend had come, why is it that he postponed calling the attention of the House to the subject until the 4th of August, having been in possession of that letter on the 22nd July? [Mr. *Hawes:* I gave notice last Thursday.] Yes; but if you were dissatisfied with the course taken by my right hon. Friend, surely it was competent for you, immediately on seeing that letter, and ascertaining the decision of my right hon. Friend—or, at least, it

clearly was within two days of the reading of that letter, competent to have given that notice which would have enabled Members of that Committee to have been present at this discussion. The noble Lord adverted to an expression of my right hon. Friend behind me, that this was a painful subject, saying, that, although it was painful to our private feelings, we were not on that account at liberty to shrink from the performance of a public duty. I admit the position of the noble Lord; I think on this, as on many other subjects, no consideration of pain to our private feelings, is sufficient to save us from the performance of a public duty. But is it possible he can believe that any consideration of the kind has prevented Government from dealing out that measure which is consistent with justice? Can he make no allowance for persons in the situation of my right hon. Friend and myself, for the pain it must have caused them to accept of the resignations of Mr. Bonham and Captain Boldero? Have we shown, from a desire to consult our private feelings, or protect our personal friends, any disposition to shrink from the adoption of those measures which might be necessary for the purpose of justice? Having had to perform many painful acts in the course of my public life, I can sincerely say that I never have performed any so painful to my private feelings as the advising Her Majesty to accept the resignation tendered by Captain Boldero. With respect to Mr. Bonham, I have long been connected with him by ties of private friendship; and now, at a time when he is labouring under the affliction inseparable from removal from the public service, I will not hesitate to say that, impossible as it is to defend that act, my feelings towards him remain unaltered. And although not connected with him by the same ties of private friendship, the pain I felt in advising Her Majesty to accept the resignation of Captain Boldero, was equal to that I felt in advising the acceptance of the resignation of Mr. Bonham. And this I will say of Captain Boldero, that I do not believe, in the whole range of the public service, except as to this particular transaction, there is a man who has performed with greater fidelity, industry, and integrity, the duties of his situation; I know all the difficulties of a military man filling such a situation; I know how difficult it is to resist solicitation; but I appeal to my right hon. Friend, whether or no we have not entire confidence that any matter of public business entrusted to Captain Boldero would be transacted by him with no other view, no other intention, than looking in what mode he could best consult the interests of economy; and, at the same time, provide for the public service? In the execution of his duty I never met with an officer whose conduct, up to the period of this particular transaction—and in that it was inadvertence, and not corruption — was more blameless. Why did he tender his resignation? Not from the consciousness of having acted corruptly, not from any belief felt that his official conduct had been influenced in the slightest degree by the possession of those shares; but, in the spirit which I think became a man of honour, seeing the Report of that Committee, and the expressions used respecting his conduct, he felt it better that he should tender his resignation. I have referred to this for the purpose of showing that it is quite possible for me to concur with the noble Lord, that no consideration of personal feeling, no fear of being subjected to pain, should deter us from the performance of a public duty. I think we have shown throughout this transaction, in the acceptance of these resignations, a desire to prevent the influence of personal feelings weighing injuriously, and to protect the honour and credit of the public service. But then the noble Lord says, we are not to be prevented from passing any Resolution, merely because it is to censure my right hon. Friend. Did my right hon. Friend ask any forbearance towards him? Did he claim any exemption from punishment, if it be just? But the question is, whether the course taken by my right hon. Friend subjects him to the implied censure which you will pass upon him if you proceed to this Resolution. That is the whole question, not whether you cannot do it, but whether it be just or not. This is an offence against Parliamentary privileges, rather than an offence against the Crown, committed in the execution of particular duties incumbent on the holder of the office of Receiver General of Police. This House, therefore, took it into its cognizance, and appointed a Committee on which it devolved the duty of expressing an opinion. If you assign to us, then, the duty of inflicting punishment without reference to the Report, you have led us

into a snare, because this House is responsible for the acts of the Committee, which it did not disavow. The Committee, having given a summary of the evidence, proceed to state to the House the conclusion to which they have come, both with respect to the charges contained in the petition of the South Eastern Railway Company, and the conduct of the parties implicated in the transaction, as disclosed in the evidence. They did not say, We will rehearse to you the bare facts; and leave it to the Crown to judge of them; but they said, We will now proceed to apprise you of the conclusions to which we have come upon them. They did not content themselves, as in the case of Sir Jonah Barrington, with relating what had been done, but they discriminated between the cases, and apportioned the degree of blame that each was conceived to deserve. With respect to Mr. Hignett, they did not content themselves with saying, "There is his case, and you will observe his conduct has been corrupt." Not at all. They said that—

"Mr. Hignett corruptly used the influence of his official station for the furtherance of his private pecuniary interest, and has therefore shown himself unworthy of confidence as a public man."

Acting on the Report of the Committee, I advised the Master General of the Ordnance immediately to proceed to the dismissal of Mr. Hignett. I said, "Here is the Report of the Committee; they state that they think Mr. Hignett unworthy of confidence as a public officer; at once dismiss him from the public service; that is the report of the tribunal appointed by the House of Commons to inquire into this transaction, and to lay before the House of Commons its sentiments with regard to the conduct of the public officers concerned." You tell us the Committee was appointed of distinguished men, and was unanimous in its opinion, Why, that is precisely the point we took into consideration. My right hon. Friend said, the Committee was unanimous, and above all exception in its own position; I cannot take a better course than to carry out the recommendation of the Committee. With respect to Mr. Bonham and Captain Boldero, they have said that—

"Such transactions are inconsistent with the maintenance of that strict impartiality of conduct upon public questions which is to be expected from the public servants of the Crown, and calculated to impair the confidence of the public in the integrity of Members of Parliament."

My right hon. Friend and myself, therefore, determined to accept the resignation which they tendered. Having shown an utter disregard of our private feelings, and acted so far in accordance with the recommendations of the Committee, we came to the case of Mr. Wray. My right hon. Friend said, "With respect to this matter, which is not one of official conduct that the Crown could notice, but a Parliamentary offence, I wish to carry out the recommendations of the Parliamentary Committee." And what said they with respect to Mr. Wray? "Your Committee cannot abstain from expressing their opinion that the part taken by Mr. Wray, the Receiver General of Police, is deserving of serious animadversion." "Well," said my right hon. Friend, "we have dismissed Mr. Hignett; we have accepted the resignations of our private and political friends, and I will fulfil the recommendations of the Parliamentary Committee, and express my severe disapprobation of the conduct of Mr. Wray." It was for the conduct thus pursued by Mr. Wray, that my right hon. Friend said, "I visit you with my severe reprobation, and unless you confine yourself to the duties of your office, you incur the penalties of dismissal." Just contrast the Motion made with the recommendation of the Committee. I ask, will the House pass an implied censure on my right hon. Friend, for having complied with that recommendation? In your Report, you draw a manifest distinction, sufficient to deceive any Minister of the Crown, between the cases of Hignett and Wray. You do not say of the latter that he has rendered himself unworthy of public confidence, but he has rendered himself liable to severe animadversion. But when you make your Parliamentary Motion, what are your words? "That Mr. Wray's conduct deserves not only the serious animadversion of the House"—that being the recommendation of the Committee—"but disqualifies Mr. Wray from holding an office of trust and responsibility." Would there be any justice in now visiting us with punishment, because we construed the intentions of the Committee from their expressions, and did not subject Mr. Wray to the same punishment as Mr. Hignett? In your Resolution, you assimilate Mr. Wray's case to that of Mr.

Hignett, but you did not do so before. Did you think him equally culpable, or so much so that he ought to be removed from office? Then why did you not say so? If you had said a word as to Mr. Wray being undeserving of confidence as a public officer, my right hon. Friend would have dismissed him at once; but you said nothing of the kind. In the original draught of the Report stood the words—

"To call the attention of the Secretary of State particularly to the conduct of Mr. Wray;"—

But these were omitted afterwards. The hon. Gentleman suggests a doubt as to the difficulty of the House of Commons calling the attention of the Secretary of State to the conduct of Mr. Wray; but you might have avoided all difficulty by simply following the method adopted with respect to the case of Mr. Hignett. My right hon. Friend said that from no human being has he received a solicitation in favour of Mr. Wray, nor was any communication, direct or indirect, made on his behalf. This is important, as showing the animus of my right hon. Friend, and that he had no motive but a wish to do justice. I do not know what such a stoic, with feelings so Spartan as those of the noble Lord might have advised; but you must make allowance for the weaknesses of human nature. It is at least magnanimous to punish the powerful, and not visit with the greatest severity the weakest party, who has no claims upon you. We determined to execute the intention and fulfil the purpose of that Committee, which was unanimous in its opinion—which was composed of men in whose impartiality and integrity we reposed confidence; and it was because they were above all suspicion that we thought ourselves safe if we adopted the conclusions they drew. I must say, considering the situation of Mr. Wray, his age, and his being a barrister, to be visited on the part of the Secretary of State with severe disapprobation, and to have the expression of it published to the world, and laid on the Table of this House, is an ample measure of punishment. I know not what the noble Lord may think of it; but next to the absolute deprivation of office, I can conceive no penalty more serious than has been already inflicted upon Mr. Wray. What is the object of punishment in this and every other case? It is to deter from similar conduct in future. If that be your present object, can you justly charge my right hon. Friend with undue favour? If you cannot, if you believe that to an honourable mind, to a man who, as a barrister, has enjoyed the respect of an honourable and high-minded profession, and who now meets a public rebuke, this must be a severe penalty. You may think public duty requires you to go still further; but if you do, I think you will push punishment beyond its legitimate object. But, above all, I think you will involve us in blame unjustly, because our object has been the fulfilment of the intentions of your own tribunal. Even if we have erred on the side of lenity, it has not been from a desire to protect the powerful; it has been consistent with an earnest wish to do everything that justice towards Parliament requires; to do everything that for the sake both of present punishment and future example the offences committed require.

Mr. *Hume* considered that Captain Boldero had been harshly treated. Corruption could not be in any way laid to his charge; and it was against that their animadversion was directed. He felt deep regret for the position in which Mr. Wray was placed; he had known that gentleman for twenty years, and never observed any but the most honourable conduct in him; he felt great pain for the rebuke which Mr. Wray had received on account of the late transaction. So far from thinking that they ought to go further, as his hon. Friend asked them, he thought the animadversion of the right hon. Gentleman sufficient, though he was not prepared to deny its justice. He blamed Mr. Bonham, who ought, from his position, to have been the last man to receive such an indication of the railway company's good opinion; he blamed Mr. Wray for having been the means of carrying out the objects of the company; but he should remark, that the whole case against Mr. Wray ended there. That was the whole extent of it, and he did not believe that it showed any corruption; there had been no previous bargaining between Mr. Wray and Mr. Bonham; and whilst he regretted that Mr. Wray had lent himself to such a proceeding—than which nothing deserved more to be deprecated—yet he thought they had done sufficient in the matter, inasmuch as Mr. Wray and Mr. Bonham had not previously communicated

upon the subject of this transfer of shares. He was of opinion that Mr. Wray had been grievously punished by the censure of the right hon. Baronet opposite—a censure which had been extensively circulated, and which, to a man of sensitive mind, such as he knew Mr. Wray to be, was a very severe punishment. Feeling that enough had been already done in reference to this matter, he should vote against the Motion of the hon. Member for Lambeth.

Viscount *Ebrington* said, that whilst the mode of proceeding was so severe against those who elected Members for Parliament who received bribes, it appeared strange that hon. Members should feel so little disposed to take any active course when the charge was against those in a higher sphere. The speech of the right hon. Secretary of State for the Home Department rather surprised him, for it treated the proceedings of the Committee as if they had been all confined to a few sentences at the conclusion, and as if there had been no proof of Mr. Wray having been instrumental in conveying those shares to Mr. Bonham. Agreeing with the noble Lord the Member for London, that it was most desirable to preserve the purity of the House of Commons, and particularly at a time when so much excitement prevailed in the money market, he would support the Motion of the hon. Member for Lambeth.

Mr. *Ward* feared that his vote, which would be with the hon. Member for Montrose, would bring upon him the censure of the noble Lord behind him (Lord Ebrington). The question which they had to decide was, whether the punishment which had been already inflicted was or was not proportionate to the offence which had been committed. They were not to decide upon the fallibility or infallibility of the Secretary of State for the Home Department; but they were to consider whether they would affirm a Resolution which would, if carried, inflict utter ruin on a man who up to the time when that charge was made, had never been accused of any conduct incompatible with his official duties or his high personal character; a man who, it must be admitted, had considerable good qualities, when even in the heat of party he had friends on both sides of the House. Mr. Wray had been censured by his official superior; and that censure had been almost doubled by the speech of the noble Lord, his predecessor in office. He was sure that the hon. Member for Lambeth was actuated by conscientious motives in the course which he had taken; but he could not agree with him in thinking that the House ought to agree to his Motion. The hon. Member ought to recollect, that the House had done all that it could to protect the purity of the tribunals which were connected with it, by which matters affecting private rights were decided; and that nothing could be more advantageous to the public, as compared with another, than the present system of regulating their Committees compared with the odious system which prevailed in 1836. Under the system which prevailed in 1836, individuals who had private interests to advance, attended the Committee, and urged those interests, in some cases, as far as they could. That system had been altogether reformed by the House; and the result of it was, that not the slightest suspicion attached to any of their Committees—a fact that was of very great importance, when they recollected the unparalleled amount of money which was concerned in the cases that had been before the various Committees of the House of Commons during this Session. Parties who were concerned might have complained of the judgment which a Committee of the House of Commons had displayed, or they might have complained that a sufficient time had not been allowed to individuals to be heard; but there had not been, as far as he could understand, an idea of a shadow of a shade of a complaint of any corrupt motive on the part of their Committees during this Session. He had the authority of Mr. Wray for stating that there was a very great misunderstanding abroad, to the effect that Mr. Bonham was at one period in debt to Mr. Wray. The fact was, that Mr. Bonham had never solicited any assistance from Mr. Wray, and that no such pecuniary relations existed between them. There had been no previous understanding between Mr. Wray and Mr. Bonham, and no advantage whatever had been obtained or demanded by Mr. Wray, who had been sufficiently punished. He had been severely censured by his superior; and the House would act harshly and unfeelingly if they went further with the matter, and ran down small game, by affirming the Motion of his hon. Friend the Member for Lam-

beth. He should prefer giving a direct negative to the Resolution of the hon. Member for Lambeth; and for that purpose he hoped the hon. Member who had moved the previous question as an Amendment would withdraw it, in order to allow a direct negative to be given to the Motion.

Colonel *Peel* expressed his high opinion of his two Friends who had resigned their offices, and assured the House that he had been one of those most anxious to have the whole case investigated when the charge was made. Indeed, so desirous was he to have this investigation, that if no one else had brought it forward, he (Colonel Peel) had determined to bring it forward, although he had no personal interest in the matter, as he never had any railroad shares in his life. His hon. Friends had expressed to him their sense of the kindness and courtesy of the Committee towards them; and he felt it his duty to state that feeling to the House. With respect to the North Kent Railway, his two hon. Friends, having seen from what since occurred that it was indiscreet on their part that shares should be nominally held by them, as the public, not knowing that the shares were held but nominally by them, would be less inclined to depend on their decisions in consequence of that holding of shares. It appeared perfectly clear from all the transactions, that neither of his hon. Friends had availed themselves of the knowledge of the assent of the Master General of the Ordnance to go to the market and purchase shares, or make any pecuniary profit. When his hon. Friend (Captain Boldero) was aware of the assent of the Master General of the Ordnance to three railways, he made no use of his knowledge to buy shares, or avail himself of any advantage from that knowledge, which showed that he had no disposition to avail himself of his official position for his private interest. It might be necessary for him to inform the House that Mr. Bonham had stated in a letter that Mr. Wray had never even indirectly alluded to his (Mr. Bonham's) conduct on the South Eastern Railway Committee; and it was not until after the Royal Assent had been given to the Bill that he got 100 reserved shares. On reference to the proceedings of the Committee, it appeared that in the divisions, the majorities were such as to show that Mr. Bonham's vote could not have carried the question in those cases. He was confident that his two Friends were most honourable men, and that anything which could affect their character, would be felt by them more severely than any worldly loss.

Sir *John Easthope* said, that he felt called upon to discharge a very painful duty in giving his vote on this occasion. The man who would not feel it painful to be obliged by his sense of duty to sanction a Motion which would bear so strongly upon an individual with a large family, such as Mr. Wray had been described to be by his hon. Friend the Member for Sheffield, was a man whose feelings he did not envy. He intended to vote for the Motion of the hon. Member for Lambeth, solely from a sense of justice; he could have no other feeling, for he had never seen Mr. Wray, nor had he ever had the slightest communication with him. He participated fully in all those feelings of personal respect which had been expressed towards an individual whose name had been brought forward in relation to those transactions, for he had the pleasure of personally knowing him, and he was gratified to find that the general feeling of the House had perfectly acquitted the hon. and gallant Officer to whom he alluded, of corrupt or dishonourable conduct—he meant Captain Boldero, who, notwithstanding, had yet felt it needful to retire from the public service. Nothing could be more gratifying to him (Sir John Easthope) than to find that this acquittal was the universal opinion of the House. He believed that the acceptance of Captain Boldero's resignation was due to public opinion, and to the character of the public men of this country before the world. Approving both of the hon. and gallant Officer for resigning his office, and of the course which the right hon. Baronet at the head of the Government had felt himself called on to pursue, he could not agree with the hon. Member for Sheffield, that he (Sir J. Easthope) was joining with those who would destroy a deserving man with a large family, merely because he would adopt the same rule with regard to Mr. Wray which had been adopted with respect to Captain Boldero and Mr. Bonham. He regretted very much to feel obliged to vote for the Motion of the hon. Member for Lambeth; but he would ask the House to consider the opinions of the public with regard to their conduct in this matter—to reflect upon the probable feelings of those of an

humbler class than that to which Mr. Wray belonged, if the House were to pass by his conduct with comparative impunity. He was not disposed to question the motives of those who might vote against the Motion, or to attribute to them any desire to acquiesce in the improper conduct of Mr. Wray. He did not attribute unworthy motives to those who were opposed to the Motion of the hon. Member for Lambeth; but he strongly objected to the right of the hon. Member for Sheffield to say that those who voted for the Motion were seeking to ruin a man because they were desirous that the same course should be adopted towards him whi h had been taken with regard to Captain Boldero and Mr. Bonham.

Sir *R. Inglis* said, though appointed a Member of the Committtee, he did not attend, because, having been physically unable to do so the first day, he did not think it right to join it subsequently. He had, however, followed with deeply painful, but still he hoped judicial interests, the proceedings day by day, and he felt that the Resolutions of the Committee had fallen too severely on all three of the Gentlemen affected by it; and if that was his opinion of the Report, of course he looked with less favour on the Motion of the hon. Member for Lambeth (Mr. Hawes) who carried the Resolutions of the Committee far beyond the line they had originally drawn, and subjected to severer punishment than they had intended the individual whose conduct the House was then discussing. The hon. Member for Sheffield had made an appeal *ad misericordiam* on behalf of that gentleman. He was not insensible to such an appeal; but sitting there judicially, he hoped he would not suffer any such feelings to influence his opinion. He thought it was due to Mr. Wray to appeal not to their mercy, but to their justice; and he hoped, therefore, that his hon. Friend who had moved the previous question, would withdraw that Amendment, and let the sense of the House be taken "aye" or "no," upon the direct Motion. If Mr. Wray were guilty beyond the measure of guilt in which every Member of that House then in Parliament must acknowledge they were involved nine years ago before the House had reformed itself, he would not stand there to defend him or advocate his case. He thought he could say that he knew the same thing was done by another individual on the opposite side of the House with reference to the very same question; and when such was the case, and the matter had not occurred this year or last year, which would have made the case different, he hoped the House would negative the proposition of the hon. Member for Lambeth.

Mr. *Mitchell* felt it his duty to vote for the Motion. He did not think it just to Captain Boldero and Mr. Bonham to remove them from office, and suffer Mr. Wray—who, after reading the whole of the evidence, he thought the more guilty—to retain his office. He did not censure the Government for the course they had taken in the matter; but the Committee, he thought, were to blame for the way in which they had acted in this respect.

Sir *J. Graham* wished to say one word on the Motion now before the House, and he confessed he hoped that, notwithstanding the opinions expressed by various parties who had spoken, the hon. Member for North Lancashire (Mr. W. Patten) would adhere to his proposition. He thought "the previous question" was the direct mode of meeting the Motion of the hon. Member for Lambeth. He (Sir J. Graham) should have a difficulty in negativing the proposition that the conduct of Mr. Wray was deserving of censure; besides, he felt that there was force in what had fallen from the hon. Member who had just sat down. He thought if they would directly negative the Motion, the conduct of Captain Boldero and Mr. Bonham would appear more culpable than that of Mr. Wray—a conclusion at which he certainly could not arrive. He thought the position of Captain Boldero and Mr. Wray had rendered their conduct more amenable to censure; but, looking at the merits and demerits of the case, he was bound to say he did not consider the conduct of Mr. Wray as less culpable than that of Captain Boldero and Mr. Bonham; and he thought that would appear to be the case if they were to negative the last Resolution. He hoped, therefore, the hon. Member would adhere to his Amendment.

Mr. *B. Escott* would not vote for the Motion if he felt it implied any censure on the right hon. Gentleman the Secretary of State for the view he had taken of the case; for he felt that the most honourable and upright men might have taken a lenient view of the matter. He also thought

the Report of the Committee justified the course the right hon. Gentleman had taken. It was the Committee that had brought them into their present difficulty. The Committee ought to have distinguished between the degrees of culpability of the persons charged with offences before them. He rejoiced on one account that the question had been brought forward, and that was, that it had been the means of eliciting from the right hon. Gentleman at the head of the Government that noble testimony to the character of those two honourable men, Captain Boldero and Mr. Bonham, and of confirming that testimony by practical experience of their merits. What struck him more in this than in the former debate was, that Captain Boldero and Mr. Bonham, through their own sense of honour, and through a high appreciation of their sense of duty on the part of the Government, had been visited with punishment, while Mr. Wray, the really guilty party, escaped. The question was, had Mr. Wray, or had he not, offered money or money's worth to a Member of that House for the discharge of some sort of function or other which belonged to him as a Member of Parliament? If he did so, he was guilty of an offence for which he ought to be visited with the censure of that House. He knew of an instance in which, within the last few days, a Member of that House was offered money in order to make him discharge a certain duty in the House in a manner which would be most acceptable to the person who would pay the amount. The hon. Gentleman immediately caused it to be intimated to the party that he would throw his petition into the fire unless the offer were withdrawn.

Mr. *Hawes* rose amidst cries of "divide," "divide." He said that he would detain the House but for a moment, in adverting to one or two points, which he thought it his duty to refer to, before the vote was taken. The right hon. Gentleman opposite fell into an error, in stating that there was an alteration effected in the Report of the Committee, and that words which imported that Mr. Wray should be dismissed were struck out, and that milder terms had been substituted in their stead. The words which first stood in the Report were to the effect that "the conduct of Mr. Wray deserved the immediate notice of the Secretary of State;" and the words substituted were, that "conduct deserved serious animadversion." These words had been substituted after serious reflection, and the Committee had reason to think that these words would lead to the dismissal of the man whose conduct was so animadverted upon. In regard to Mr. Hignett, the words of the Report were of a decisive character. But did the Committee say that Mr. Bonham and Captain Boldero should be dismissed? Why, then, did the Government accept their resignation? In accepting the resignation of Captain Boldero and Mr. Bonham, they had gone beyond the words of the Report. Was it an objection that, in the present case, they should do the same, if reason existed for their so doing? Two points had been wholly overlooked by the right hon. Gentleman opposite. The first was the omission which had been alluded to, as having taken place in the letter. Mr. Wray's was an offence against society, against that House, and against the Government. If the Government did not mark such conduct with their censure, they were open to the charge of being somewhat indifferent to the character of the public men whom they employ. The right hon. Gentleman was a great advocate of Parliamentary privilege. They had a Resolution which declared such an offence a breach of privilege; and yet the right hon. Gentleman did not condescend to notice that. He defied them to negative the Resolution now before the House. The main facts were incontestable; and if that were so, let the consequences follow. The Committee, when the matter was under their consideration, saw that, whilst they were dealing as leniently as they could with the offences before them, these offences must in the end be visited by loss of situation to the parties implicated. He lamented the whole matter as much as any one could. He was keenly alive to the painfulness of the duty which now devolved upon him, but it was a duty from which he was not inclined to shrink. As to the charge of delay, when he moved for the letter of Mr. Wray, the right hon. Gentleman himself asked him if he intended to found a Motion upon it. He then said that he could not at the time give a decisive answer, but that the matter was subject to his future consideration. Within a week afterwards, there was a Notice upon the Table. He was somewhat surprised at what had fallen that evening from the hon. Member for Sheffield (Mr.

Ward) and the hon. Baronet the Member for Oxford (Sir R. Inglis), who had said more to bring the House into contempt than he expected to have heard from such quarters. He denied the imputation cast upon the House by the hon. Member for Sheffield, when he said, that in 1830, there were not fifty Members in it who were not implicated, more or less, in transactions somewhat similar to these. He felt himself called upon to vindicate the character of the House from such aspersions. By not visiting with the only punishment which they could inflict such conduct as was now complained of, the Government seemed to sanction what appeared to be, at least, a direct act of bribery on the part of a public officer.

The House divided on the previous Question, namely, that that Question be now put:—Ayes 18; Noes 81: Majority 63.

List of the Ayes.

Brotherton, J.	Palmerston, Visct.
Collett, J.	Plumridge, Capt.
Easthope, Sir J.	Russell, Lord J.
Ebrington, Visct.	Scott, R.
Escott, B.	Sheridan, R. B.
Fielden, J.	Tufnell, H.
Mitchell, T. A.	Yorke, H. R.
Moffatt, G.	
Morris, D.	TELLERS.
Norreys, Sir D. J.	Hawes, B.
O'Connell, M. J.	Sheil, R. L.

List of the Noes.

Antrobus, E.	Fremantle, rt.hn.SirT.
Baillie, H. J.	Fuller, A. E.
Barkly, H.	Gaskell, J. Milnes
Baring, rt. hn. W. B.	Gladstone, rt.hn.W.E.
Borthwick, P.	Gordon, hon. Capt.
Bowles, Adm.	Gore, M.
Broadley, H.	Goulburn, rt. hon. H.
Bruce, Lord E.	Graham, rt.hn. Sir J.
Buller, Sir J. Y.	Greene, T,
Burrell, Sir C. M.	Hamilton, G. A.
Cardwell, E.	Hamilton, W. J.
Chelsea, Visct.	Hamilton, Lord C.
Clerk, rt. hon. Sir G.	Henley, J. W.
Clive, Visct.	Herbert, rt. hon. S.
Cockburn, rt. hn. Sir G.	Hope, G. W.
Collins, W.	Houldsworth, T.
Corry, rt. hon. H.	Hume, J.
Cripps, W.	Inglis, Sir R. H.
Damer, hon. Col.	Kelly, F. R.
Darby, G.	Lincoln, Earl of
Denison, E. B.	Lowther, Sir J. H.
Dick, Q.	Lygon, hon. Gen.
Douglas, Sir H.	Mackinnon, W. A.
Duckworth, Sir J. T. B.	Maclean, D.
Duncan, G.	McNeill, D.
Estcourt, T. G. B.	Meynell, Capt.
Fitzroy, hon. H.	Mildmay, H. St. John
Mundy, E. M.	Smith, rt. hn. T. B. C.
Neeld, J.	Somerset, Lord G.
Nicholl, rt. hon. J.	Spooner, R.
Palmer, G.	Stuart, H.
Patten, J. W.	Sutton, hon. H. M.
Peel, rt. hon. Sir R.	Tennent, J. E.
Peel, J.	Thesiger, Sir F.
Polhill, F.	Trench, Sir F. W.
Pollington, Visct.	Vesey, hon. T.
Pringle, A.	Ward, H. G.
Rashleigh, W.	Wellesley, Lord C.
Richards, R.	Wood, Col. T.
Scott, hon. F.	TELLERS.
Shaw, rt. hon. F.	Young, J.
Sibthorp, Col.	Baring, H.

The Income Tax.] The *Chancellor of the Exchequer* observed that an order had been made, on the Motion of the hon. Member for Manchester, for a return of the names of the Commissioners under the Income Tax, and the number of their attendances, but as it was found that this could not be conveniently made, he would now move to discharge it.

Mr. *Fielden* said, that there could be no difficulty in getting such a return He then objected to the present mode of assessment. When a party made a return, and that return was objected to, the Commissioners never furnished him with any reason why they doubted the return, although it was made upon oath. This was both scandalous and unjust. He had been so treated, and he knew others who had been similarly so. The hon. Member then went into a detail of the circumstances connected with the last appeal made by himself against the assessment made upon him; and assured the House that the question could not rest where it now was, as he would, early next Session, bring forward a Motion upon the subject. He hoped that, in the meantime, the public would be alive to the subject, and that all who, like himself, had been aggrieved, would come forward at the proper time, and cordially co-operate with him.

Mr. *Scott* wished for the names of the places at which the Commissioners met. In some places they met at public-houses, in portions of the country not populous. At Wolverhampton, the people had to go five miles distance, to the great public inconvenience. It was also remarked that the Commissioners were generally of one line of politics.

Order read and discharged.

House adjourned at a quarter past eleven o'clock.

HOUSE OF LORDS,

Tuesday, August 5, 1845.

MINUTES.] BILLS. *Public.*—1ª. St. Asaph and Bangor Dioceses; Exchequer Bills; Consolidated Fund (Appropriation).

Reported.—Fees (Criminal Proceedings); Naval Medical Supplemental Fund Society; Turnpike Roads (Ireland); Municipal Districts, etc. (Ireland).

3ª. and passed:—Merchant Seamen; Removal of Paupers; Borough and Watch Rates.

Private.—3ª. and passed:—South Eastern Railway (Deal Extension); Brighton, Lewes, and Hastings Railway (Hastings, Rye, and Ashford Extension); Eastern Counties Railway (Cambridge to Huntingdon); Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester, and Grand Junction Railway Companies Amalgamation; Epping Railway; Brighton and Chichester Railway (Portsmouth Extension).

PETITIONS PRESENTED. From Bankers, and others, of Halifax, Leeds, and Bradford, for the Adoption of Measures to enforce the Free Navigation of the River La Plata.—By the Lord Chancellor, from a great number of places, in favour of the Small Debts Bill (No. 2); and from Merchants, Bankers, and others of the City of London, for Amendment of Law respecting Bankruptcy and Insolvency.—From Parishes of All Saints, and Killea, Donegal, aganst Tenants Compensation (Ireland) Bill.—From Findonagh, for Recognizing by Legal Enactment, the practice of Tenant Right (Ireland).

LONDON AND YORK RAILWAY.] The Marquess of *Clanricarde* presented two petitions, one from George Pryme, esq., of Cambridge, and at present proprietor of certain lands in the county of Huntingdon, through which this line proposed to pass; in one of which it was stated, that when this Company was first formed, the estimated cost of the line was 5,000,000*l.*; but subsequently, when the lands were surveyed by Mr. Cubitt, the estimated cost of the line lodged in the Parliamentary Office amounted to 6,500,000*l.* This was, of course, a much larger rate than was put forward when the original subscribers attached their names to the contract deed; and therefore he thought that in a court of equity they could not be called upon to pay more than the original estimate of the line. This was the statement contained in the first petition, which was a subject for the consideration of the Standing Orders' Committee. The second petition stated that this contract deed was entirely false and fictitious; that the names of persons amounting in their liabilities to 500,000*l.* were either not in existence, or incapable of being found; that they were wholly unable to pay any part of these sums, being paupers. With respect to a petition which he had presented on the previous evening upon this subject, he begged to say that a great mistake had arisen from a similarity of names. The petition to which he referred had alleged that a Mr. Baxter was a person totally unable to pay the sum for which he had subscribed his name. The petitioner, however, had since made fuller inquiry on the subject, and wished now to state that he had been mistaken in his former information, for that Mr. Baxter, who was connected with the line, was a man of undoubted respectability. This was only one case; but there were cases of the same kind infinitely beyond anything in the Dublin and Galway Bill. He would not weary their Lordships by going through all the cases, but would merely refer to a few in order to show their nature. Their Lordships were aware that their Standing Orders required that the addresses of parties signing the contract deed should be correctly stated; and the directors of the Dublin and Galway Company were thought censurable because they had not exercised sufficient vigilance in this respect. One of the names to the deed to which he was anxious to direct their attention was that of John Theobalds, gentleman, said to reside in Finsbury-square, who had subscribed to the amount of 25,000*l.*; he was informed that no such person was known at that address. There was also in the contract deed the name of an individual who had figured in the Dublin and Galway Railway case (W. Shackell), who was down for 5000*l.*, and who was understood to be a half-pay officer in the receipt of 54*l.* a year, but who appeared as a subscriber in different railway schemes to the amount of 41,500*l.* The address of another, E. J. Durham, whose name was down for 12,200*l.*, was stated to be in Watling-street; but it appeared that he did not reside there. In the case of another individual who was down for 12,500*l.*, a false address was found to have been given. This individual was discovered to be a clerk in the Australian Trust Company, and it was therefore impossible to suppose him responsible for so large an amount. Another individual, whom he would not name, was a curate in a parish in Kent. He might be worth all the money for which he appeared responsible in various railway schemes; but his name appeared for 25,000*l.* in different projects, and stood for 10,000*l.* in this line. Another individual, who was down for 25,000*l.*, was represented to be in poor circumstances, and had once resided at the address stated in the deed, but had quitted it. He knew these sums to be

correct, for he had compared them with the contract deed. Another clerk of the Australian Trust Company was down for upwards of 50,000*l.* There were several more cases of the same kind, but he trusted he had stated enough to establish the necessity of referring the matter to a Committee. There were also two brothers named Guernsey, sons of a charwoman living in a garret, in Angel-court, one of whom had signed for 12,500*l.*, and the other for 25,000*l.*, the latter being a porter to a wine merchant named Hitchcock. These two brothers, excellent persons, no doubt, but who were receiving about a guinea and a half a week between them, were down for no less a sum than 37,500*l.* One of them, Charles Guernsey, stated that he never applied for any shares, but that a stockbroker brought him letters of allotment to the above amount. When he signed the deed, the broker took the scrip, and he never received one farthing; that he was only nineteen years of age, and in the receipt of only 12*s.* a week. He hoped he would institute a suit against the broker, for there could be no doubt that some person or other had sold that scrip at a considerable premium. He need hardly say more to convince their Lordships of the necessity of inquiry. The Houses of Parliament were the only places to which the public could look for security, and it was with this view that the Standing Orders were framed; but the Standing Orders did not afford security where there was no opposition; and even where there was opposition, it was extremely difficult to detect such cases as these. These cases had been only inquired into within the week, the attention of the opponents of the London and York Bill having been directed to the subject by what took place in the Dublin and Galway case; and there could be no doubt that, unless some change were made, it would be almost impossible for any Railway Bill to pass through Parliament. He had omitted to state to their Lordships that a clerk of the Company was down for 5,000*l.*, a fact which brought home blame in the most direct way to those parties who received the thanks of Lord Brougham for the zeal, perspicuity, vigilance, activity, and scrutinizing rigour which they exercised in getting up their reference, and in searching into every matter connected with the railway, and whom that noble and learned Lord held up as an example to all engaged in similar undertakings. The residence of a person down for a considerable sum in the deed was stated to be No. 22, Norfolk-street, Strand, although a reference to the Directory would have shown that to be the address of Messrs. Ommanney. A grosser case of neglect could not be conceived; nothing of this kind was shown against the unfortunate Dublin and Galway Company. He begged leave to move that the petition be referred to a Select Committee to inquire into its allegations. Their Lordships would remember that in the Dublin and Galway case the Bill was delayed until these matters had been investigated.

Lord *Monteagle* presented a petition which had been entrusted to him by most respectable parties subscribers to the said railway, declaring that the statements in the petition presented by Henry Bruce, of Mincing-lane, surgeon, with respect to the fictitious and false insertion of names, were unfounded, and that the petitioners were perfectly prepared to prove this, if their Lordships would direct an investigation, which they prayed might be granted without delay.

The Earl of *Wicklow* said, if the case were precisely in the same position as the Dublin and Galway Railway was, he should not object to the same course being adopted, although the noble Marquess had by no means made out so strong a case as had been established in reference to that line. The difference between the cases was this. The Dublin and Galway Bill was not, in the first instance, opposed, and passed the Standing Orders' Committee without opposition. Now this he conceived to be an opposed Bill; it had not yet been brought before the Standing Orders' Committee, and these petitions had been presented in due time for the Standing Orders' Committee to investigate their allegations, and it was not, therefore, necessary to appoint a Select Committee specially for that purpose. Such being the case, he certainly should oppose the Motion of the noble Marquess.

The Earl of *Shaftesbury* said, it would not fall within the province of the Standing Orders' Committee to investigate the matters referred to in the petition; they could only inquire whether the parties whose names appeared in the contract deed had actually subscribed it.

The Earl of *Devon* was understood to say, that if cases such as these were established, the contract deed, instead of being a safeguard to the public, would

only serve to delude them. He had foretold, on a former occasion, that instances of this kind would be brought forward in every case; and the result would be, that it would be impossible to pass any Bill through Parliament. Now, here was a Railway Bill which had undergone the most searching inquiry ever known in such a case before a Committee of the House of Commons, which sat upwards of eighty days; and now, after undergoing such an ordeal — after the enormous expense entailed on the parties— it was proposed that they should not be allowed to proceed, because it was alleged that a certain portion—not a very large one—of those who had subscribed the contract deed were not persons of substance. With regard to the facts stated in the first petition, in reference to the difference between the original amount of the capital stated—namely, 5,000,000*l.*, and the last estimate of 6,500,000*l.*, he presumed that in this, as in all other Bills, a power was given to borrow a sum which would be sufficient to make up the difference. He could not accede to the proposition of the noble Marquess.

Lord *Beaumont* had totally disapproved of the proceedings in the Dublin and Galway case; but having adopted that course, he did not see how they could depart from it now. He perfectly agreed with his noble Friend opposite in thinking that contract deeds were useless as a protection to the public; but, at the same time, he was of opinion that to abolish altogether the present system, would be equivalent to defeating railway projects altogether. He would not go so far as some, and maintain that the original subscribers were only to serve as conduits by which the shares might reach the hands of responsible parties; but he believed that unless they allowed parties to be put down for larger sums than perhaps on full consideration they might be thought able to pay, they would totally defeat the construction of railways.

The Marquess of *Clanricarde:* What security would the public have that the work would be carried out?

Lord *Beaumont:* The parties who had obtained shares would always be able to dispose of them, although, perhaps, at a reduced rate. Some loss might be sustained; but he maintained that the real liability of the parties to the contract was limited to the deposit paid; for the shares became property, and might be disposed of like any other description of property.

Lord *Redesdale* supported the Motion. A certain number of errors might unavoidably creep into a subscription list; but it would be for the Committee to decide whether proper care had been exercised by the company. In the Dublin and Galway case, it was decided that due care had not been taken; in the London and York case, the Committee might possibly decide that due care had been used, and the Bill might be allowed to pass. Subscription contracts had undoubtedly been much neglected; but he hoped that, in consequence of what had taken place, the case would be different in future.

Lord *Campbell* said, that in his opinion, that application could not be refused. It should be remembered that the Standing Orders' Committee could not institute any inquiry into the most important allegations in the petition. It followed, therefore, inevitably, that the appointment of the Committee moved for by his noble Friend should be granted.

The Earl of *Wicklow* said, that as the Standing Orders' Committee could not inquire into the whole of those allegations, he thought that the House could not refuse the appointment of the Committee.

The Marquess of *Clanricarde* said, that the correctness of the subscription list was the only guarantee which the Legislature or the country had that the works could ever be completed. He hoped that his Motion would at once be agreed to.

Motion put and agreed to.

Small Debts Bill (No. 2).] The *Lord Chancellor* presented a petition from the Liverpool Guardian Society for the Protection of Trade, which stated that their society consisted of 1,800 members, comprising merchants, bankers, and traders, but chiefly the latter class, associated together for the protection of commerce, and that they were most anxious that the Bill which had been introduced into their Lordships' House for extending the law for the recovery of Small Debts should be passed into law. He had also a petition to present from a number of persons who were deputies, at present assembled in this metropolis, from all the great trading towns and cities of the country, praying their Lordships to pass this Bill in its present shape, and particularly directing their Lordships' attention to the 9th Clause, and the clauses consequential upon it. It was necessary that, in introducing this Bill in its present shape to the notice of their Lordships'

House, he should offer a few remarks respecting it. Their Lordships were aware, that in the last Session of Parliament a Bill had passed into law for abolishing arrest, even in execution, for debts under 20*l.* He had always considered that measure as a most salutary law, and it never had been, he believed, the desire of either House of Parliament that it should be revoked. In consequence of inconveniences which were found to arise since the passing of that law in respect of the recovery of debts under 20*l.*, a Bill had been introduced in the present Session by a noble and learned Friend of his (Lord Brougham), now absent, for the purpose of extending the facilities of the former Bill to debts of a lower amount. That Bill had been referred to a Select Committee up-stairs, before whom it had undergone a careful examination, and after being again brought before the House their Lordships adopted it. It then went down to the other House of Parliament, where many Amendments were introduced, and the Bill so amended now came before their Lordships for their final decision on these Amendments. He would next proceed to explain to their Lordships the nature and character of these amendments. They were of a twofold character—one class referred distinctly, and in the ordinary course, to the Bill as it had left their Lordships' House; and the Amendments under this head ought, he thought, with one exception, to be agreed to by the House. The other class of Amendments were to be regarded, in point of fact, as additions to the Bill. On leaving their Lordships' House the Bill had eight clauses, but it had since received an addition of about twenty clauses, referring to objects to which he would presently direct their Lordships' attention. The first class of Amendments in the original Bill seemed to be principally verbal amendments with one exception. He proposed to make some alterations in these Amendments, to only one of which he would beg to call their Lordships' attention. A power had been given to the Commissioners of Bankruptcy to call before them persons who were indebted in sums less than 20*l.*, in order to examine them, to sift their conduct, and ultimately, if dissatisfied with the explanation given, to commit them to prison. The same power had been given to the Small Debts Courts, which were presided over by a barrister or attorney of ten years' standing, or by a special pleader. Now, the Amendment of the Commons to which he objected was, that the Commissioners of Bankruptcy, whom he considered to be altogether the most competent persons to decide on subjects of this nature, were to be deprived of the power conferred under the Bill, except where an action of debt had been brought for the amount in one of the superior courts, and judgment pronounced. As he did not anticipate that any person having ordinary judgment and understanding would in future bring actions for debts of less than 20*l.* in the superior courts, he considered that the effect of this Amendment would be, that the Bankruptcy Commissioners, whom he should regard as the most competent parties to decide in such matters, would lose all jurisdiction under the Bill. He would therefore propose to their Lordships to disagree to this Amendment. The history of the Amendment was not a little curious. When the Bill was sent down to the other House of Parliament, it had been entrusted to the charge of the present Solicitor General; but when that hon. and learned Member had been called out of town in the pursuit of his professional duties, the Amendment was introduced, he did not know by whom, or from what quarter, and adopted. With respect to the other class of Amendments, they all turned on the effect of the 9th Section, which had been introduced by the House of Commons, and were, so to say, consequential upon it. That section gave a power to Her Majesty in Council to extend the jurisdiction in point of locality of the Small Debts Courts, and also to extend their jurisdiction in point of amount to all sums up to 20*l.* It proceeded farther, and went on to provide that Her Majesty in Council should have the power of contracting the jurisdiction of Small Debts Courts, where such jurisdiction interfered with that of another court. As no person in trade of ordinary prudence and judgment would now bring an action in one of the superior courts for a debt under 20*l.*, this provision might be regarded as a necessary consequence of the Act of last Session. He thought, therefore, that that 9th Clause was a wise provision, and that it had been properly framed; and if it had been introduced while the Bill had been in their Lordships' House, he would have given it his warm support; or if it had come up from the other House as a separate Bill, he had no doubt whatever but that their Lordships would have agreed to it. The other eighteen or nineteen new clauses he

regarded as necessarily consequent upon this clause; and therefore, if their Lordships had no objection to the adoption of the new principle contained in the 9th Clause, he should recommend them to adopt all these Amendments. They established a new system and new tribunals; and the question for their Lordships' consideration was, whether a provision for establishing this new system and these new tribunals could be agreed to by the House in one stage, and after one discussion. It was certainly inconsistent with the ordinary Parliamentary usage to adopt the principle of a measure, and to consider all its details at the same time. If the other House of Parliament had sent up a separate Bill on this subject, their Lordships would have an opportunity of deciding on the principle of the measure at the second reading, and of afterwards considering the details in Committee, and on the bringing up of the Report; and they could then finally adopt or reject the Bill, after the most mature deliberation. They had no such opportunity at present, and they should, therefore, consider whether, on one discussion on these Amendments, they could venture to adopt them. He thought the Amendments were, as he before stated, useful, and called for by the circumstances; and a point which was, perhaps, not altogether an unimportant one for their consideration was, that in the Session before the last their Lordships had themselves passed a Bill for the establishment of local Courts, which had been sent down to the other House of Parliament, and which contained a clause exactly corresponding with this Amendment. His noble Friend near him (Lord Wharncliffe) had just called his attention to another Amendment which was made in the provision for levying executions under decrees made in cases of Small Debts. It was known to their Lordships that there were always exceptions of wearing apparel and some other like necessary matters; but the Commons' Amendment in the present instance excepted bedding, wearing apparel, and such necessaries, and all tools used in the trade of the debtor, and also other articles to the extent of 10*l.* He apprehended that that exception would include all the property of a large portion of the class of persons who would be most interested in this Bill; and he was induced to come to that conclusion the more readily, as he had seen advertisements in the newspapers, in which persons about to marry were offered all the furniture necessary for a room for 10*l.* He would leave it to their Lordships to decide whether they would not agree to these Amendments with the alterations which he had suggested in them.

Lord *Campbell* said, he felt himself placed in a state of very great embarrassment on this occasion, in consequence of the want of unanimity which appeared to exist among the Members of Her Majesty's Government in the two Houses of Parliament. He entirely concurred in the view taken by his noble and learned Friend on the Woolsack, respecting the Amendments of the Commons, and the alterations which it was necessary to have made in them. He thought these Amendments to their Lordships' Bill could be safely adopted, with the exception to which his noble and learned Friend had referred; but then came the new Bill which the Commons had added to the measure, and with respect to that he felt, though he would not take upon himself the responsibility of rejecting it, that it was impossible to consider it fully and satisfactorily on the present occasion. He should, however, enter his solemn protest against the course that had been adopted. Various petitions had been presented on this subject in the early part of the Session, and two grievances in particular pointed out. One of these was the absence of any means of examining into the nature of debts under 20*l.*, and the other referred to debtors enjoying salaries and annuities, and to the fact of there being no means of compelling such persons to pay their debts out of these funds. Her Majesty's Government in this House appointed a Select Committee to take the matter into consideration. That Committee had been attended generally by his noble and learned Friend on the Woolsack, and by his other noble and learned Friend not now present (Lord Brougham), who seemed to act as the organ of the Government on the occasion. The result was, that remedies for these evils were pointed out, and the Bill which had passed their Lordships' House was founded upon the decision to which the Committee had come. Her Majesty's Government had entirely approved of the Bill, and had intimated that nothing more ought to be done during the present Session. When the Bill, however, went down to the House of Commons, Her Majesty's Government there, as he had been informed, took an entirely different view of the matter; and the Solicitor General, under the auspices,

as he had heard, of the Home Secretary, introduced no less than twenty new clauses, involving one of the most important questions that had passed through Parliament within the present Session. His noble and learned Friend admitted that the usages, and the rights and privileges of their Lordships' House, required that these new clauses should have been introduced as a distinct measure; and that they would be, therefore, justified in rejecting them. This was not, however, the only instance during the present Session in which the House had reason to regret that a better understanding did not exist between the Members of Her Majesty's Government in that and in the other House of Parliament. For instance, a Bill had passed their Lordships' House to prevent tollhouses in Scotland being licensed for the sale of intoxicating drinks. That measure had been supported by all the Members of Her Majesty's Government in this House; but when it had got to the other House of Parliament, the whole of the Members of Her Majesty's Government there, with the Prime Minister at their head, voted against it; and the Bill was thus lost. Another instance of a similar kind was to be found in the fate of the Bill which had been introduced for abolishing deodands. That Bill had been highly praised by his noble and learned Friend on the Woolsack, who had given Her Majesty's consent for its introduction. It had been passed through their Lordships' House, without even a whisper of disapprobation against it, and with the unanimous support of the Members of Her Majesty's Government in this House. The Bill had been subsequently lost on a point of form in the other House; but a similar measure had been immediately afterwards introduced in the Commons' House of Parliament for abolishing deodands. Precisely the same principle was involved in the second Bill as in the first; and yet, while the Bill met with the unanimous support of the Members of Her Majesty's Government in their Lordships' House, it was unanimously opposed by Her Majesty's Government in the Commons' House of Parliament. He alluded to these matters as instances in which the Parliament and the public suffered in consequence of no understanding existing between the Members of Her Majesty's Government in the two Houses. He regretted that the opinion of his noble and learned Friend (the Lord Chancellor) was not more attended to by his Colleagues in matters of legal reference, and more especially by the Secretary of State for the Home Department. With respect to the measure now before the House, it was a mockery to oblige a person to sue in the Court of Queen's Bench or Exchequer for a debt under 20*l.*; but he doubted whether it would not be better to remodel local courts, or extend the county courts, rather than give more power to the courts of conscience, which were often the cause of great vexation and abuse.

The *Lord Chancellor* begged to explain one circumstance. This was not a Government measure. When it went down to the other House of Parliament, it was taken up by a learned Gentleman who was not at that time Solicitor General. [Lord *Campbell:* He was about to be.] It was before he knew he would be; and it would not have been consistent if, on account of his change of position, he had abandoned the measure. He admitted, however, that on its going down from that to the other House, although it was not a Government measure, it was deemed wise and proper, and as such was supported. With reference to the Deodand Bill, it was not considered a Government measure; he, for one, supported it; but it was open to any other Member of the Government to oppose it. It went down to the other House connected with another measure; that other measure was rejected, and the Deodand Bill, as he apprehended, was on that account rejected also. He wished also to say, that he had added an Amendment to the 9th Clause; he thought it right that parties who would be affected should have notice of any change, and it was, therefore, to be advertised for a month in the *London Gazette* before it was made.

The Earl of *Haddington* said, that he and his noble Friends near him took part in the Turnpike Trusts Bill as private country gentlemen connected with Scotland, and not as Members of the Government.

The *Lord Chancellor* said, that as precedents were important, he would remind noble Lords of one little point. He thought he recollected sending down a Bill from that House to the other House with forty or fifty new clauses and amendments—he alluded to the Municipal Act Amendment Bill—which the other House very kindly adopted.

Lord *Monteagle* said, he regarded this matter as affording a very bad precedent. He, however, thought it better, under all the circumstances, to adopt the course re-

commended by his noble and learned Friend the Lord Chancellor.

Lord *Wharncliffe* conceived that this was no Government Bill, and it was well to express their disapprobation of the circumstance that, when a Bill of eight clauses was sent down, one of twenty-five clauses should be sent up; in fact, a new Bill, which that House could not discuss on one occasion only. Still, under all the circumstances of this case, and after the explanation that had been given, he was not disposed to vote against this Bill, though he held himself as much at liberty to vote against it as against any Railway Bill that had come before them.

Earl *Fitzhardinge* expressed his gratification that Amendments which were calculated to afford so much benefit to the community had met with the approbation of the noble and learned Lord on the Woolsack. No less than 3,000,000*l.* of debts under 20*l.* had been contracted to tradesmen in this country; and in Birmingham alone the debts under 20*l.* in one year amounted to 100,000*l.* The passing of this measure would give relief to those classes which it was impossible for them to obtain in any other manner.

Lord *Campbell* explained. He was perfectly well aware of the distinction respecting Government Bills; but what he complained of was, that measures which were formally not Government Bills should be strenuously advocated and supported by all the Members of Her Majesty's Government in one House, and as strenuously opposed by the Members of the Government in the other House of Parliament. He was sorry that his noble and learned Friend should have referred to the precedent he had cited. He had hoped that his noble and learned Friend had repented of the acts to which he had alluded, and he regretted to find that such was not the case. He very well remembered that, on the occasion alluded to, the noble and learned Lord was regarded as a giant of obstruction to all measures coming before their Lordships' House.

Commons' Amendments agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, August 5, 1845.

MINUTES.] NEW WRIT. For Chichester, *v.* Lord Arthur Lennox, Clerk of the Ordnance.

BILLS. *Public.*—1°. Bankruptcy and Insolvency.

3°. and passed:—Exchequer Bills (£9,024,900); Consolidated Fund (Appropriation).

Private.—*Reported.*—Shuldham's Divorce; Marquess of Westminster's Estate; Sheffield and Lincolnshire Junction Railway.

3°. and passed:—Shuldham's Divorce; Marquess of Westminster's Estate.

PETITIONS PRESENTED. By Mr. Wyse, from Chelsea, for Extension of Elective Franchise.—By Mr. Bright, from Members of Central Committee of Glasgow Free Church Lay Association, complaining of Refusal of Landowners to grant Land on which to erect Churches for those who have left the Establishment.—By Mr. Plumptre, from Newton Barry, and several other places, for Better Observance of the Lord's Day.—By Mr. Pakington, from General Assembly of Newfoundland, for securing Steam Communication with that Colony.—By Mr. Divett, from C. Bird, of Exeter, Barrister at Law, for Reform in the Administration of Justice.—By Mr. Wyse, from William Power, of Seafield, Waterford, for Alteration of Law relating to Landlord and Tenant (Ireland).—By Mr. Wakley, from Inhabitants of Finsbury, for Inquiry into Treatment of Lunatics, etc.—By Mr. Ewart, from Gentry, Clergy, and others, of Aylesbury, for Abolition of Punishment of Death.—By Mr. T. Duncombe, from Persons confined in the Queen's Prison, for Alteration of Rules relating to that Prison.—By Mr. Hume, from Trustees, Secretary, and Depositors of St. Clement Danes Savings Bank, Searl's Place, Carey Street, for Alteration of Law relating to Savings Banks.

LONDON AND YORK RAILWAY.] Mr. *B. Denison* presented a petition from the London and York Railway Company, denying the statements contained in the petition of the Chairman of the Cambridge and Lincoln Company, presented by the hon. Member for Lambeth on Monday. They stated that in consequence of the discussion last night, they had given directions to ascertain to what extent the allegations contained in the petition were true, and although only a few hours had elapsed since the investigation had commenced, he had the satisfaction to state that, of the first class, which contained thirty-five names, they had seen twenty-three during the day, six more within the last two hours, and three they were unable to find. Of the other class, containing twenty names, who were stated to be in indigent circumstances and unable to pay their subscription, several had already offered to do so. They also stated that the petitioner was vice chairman of a company competing with the London and York Railway. He moved that the petition be printed with the Votes.

Mr. *Astell* defended the course taken by the directors of the London and York Company, who had spared no expense or labour in their endeavours to ascertain the *bonâ fide* character of the parties to whom shares were allotted.

Mr. *Hawes* said, that after this petition the House was imperiously called upon to institute some inquiry, and no man was more ready than himself to enter into it. If an attempt had been made to make use

of him to interfere with the progress of an important public work, he would not let the matter rest; but he had the personal assurance of the gentleman whose petition he presented, that the allegations were true in the main, and that he was able to substantiate them. It was clear that inquiry during the present Session was out of the question, but next Session he would gladly promote an inquiry into this subscription list and into the allegations against it.

Mr. *Warburton* said, that the House ought to consider in what manner it would proceed on an allegation of this kind aiming against the Bill in this stage of it. When a similar petition was brought to him respecting another Railway Bill, he said there were two ways of inquiring into the truth of the allegations—viz., by a Select Committee, or a Committee on the Bill; and he had said that he would not move for a Select Committee when the truth of the allegations could be inquired into by a Committee on the Bill. The parties were aware of all the circumstances which they now represented to the House when they were before the Committee. That was the proper tribunal to prosecute the inquiry, and, to inform itself upon the manner in which the subscription lists of all railways were made up. He trusted the House would not entertain the petition.

Mr. *Wakley* said, the petition presented by the hon. Member for Lambeth yesterday was allowed to be printed with the Votes, upon a distinct understanding that a Motion was to be founded upon it then; yet nothing appeared to be further from the thoughts of the hon. Member than to proceed with the petition. The Gentlemen opposite and those named in the petition considered themselves calumniated, and he thought they were right. The calumnies were printed with the Votes of the House, which were openly and publicly sold. He would warn the House that it was a dangerous practice they were beginning upon, and might lead them into much trouble. The hon. Member for Lambeth ought to name the party upon whose faith and information he undertook to present the petition. Yesterday the House was led to believe that the hon. Member had everything prepared to substantiate. [Mr. *Hawes:* I have. I am now prepared to go on.] There was no Notice on the Paper in the name of the hon. Member upon the subject. If the allegation of the petition were false, the hon. Member had incurred a very great responsibility; and he thought the House ought to know the name of the party upon whom the hon. Member relied, so that he might not be allowed to escape with impunity, if it should turn out that he had been deceiving the House for his own purposes. He would ask, how were the parties who had been misrepresented in so gross a manner as they now alleged, to obtain redress? It was a most serious thing to allege against any gentleman, but more particularly against one in business, that he was not able to meet the engagements he had entered into; and if there were the most remote probability of entering upon an inquiry and concluding it before the Session closed, it ought to be begun to-morrow, and prosecuted, even if the Committee sat from eight in the morning till eight in the evening.

The *Chancellor of the Exchequer* suggested the propriety of the House acting with great caution upon that occasion. The Committee on the Bill was the proper tribunal for entering into all such inquiries. But the parties there entered into a compromise, one party contracting not to bring one matter under the notice of the Committee, and the other party giving an equivalent. That being the case, was it fair or just that the party who had a perfect cognizance of all the facts he now alleged, when before the Committee, should come in upon the third reading of the Bill, and ask for a full inquiry into the facts at the public expense? As one petition had been printed with the Votes, let the House order the counter petition to be made public through the same channel, and some degree of justice would be done.

Mr. *Brotherton:* The whole mischief arose from a fraudulent compact entered into between the parties before the Standing Orders' Committee, in order to keep them in the dark. It was only when the parties quarrelled that the House became acquainted with the facts of the case.

Mr. *T. Dumcombe:* The right hon. the Chancellor of the Exchequer had not stated the facts of the case fairly. The prayer of the petition before the House went further than asking for an immediate inquiry. The petitioners prayed for leave to bring actions against their slanderer; they asked the leave of the House to bring actions for defamation. He thought that as to time, there was quite sufficient to enable a Committee to inquire so as to enable the parties, who said that they were aggrieved, to prosecute

Mr. Bruce, if the allegations made by him were false; and it would appear from the counter statement made, that there was no truth in these allegations. The House was bound to afford the means of immediate redress, if possible, and should not delay the matter till next Session. The petitioners wanted to be allowed to take the petition presented yesterday to a court of law, and to be enabled there to prove the falsity of its allegations, and that the parties who presented that petition were guilty of defamation. The opportunity should be afforded without delay, to those who considered themselves maligned to come forward and prove that they were substantial persons, and not indigent paupers, as some of them were alleged to be.

Mr. *B. Denison* said, that the parties presenting the petition of yesterday were guilty of making an attempt to impose upon the House in the discharge of its duties. The petition was presented for the purpose of staying the progress of a Bill before the House, and it was for the House to consider whether it would take up the matter, and determine whether it would submit to what appeared to him in the light of a serious breach of privilege. He had given notice of a Motion on Friday next, which he hoped the House would accede to, to enable the parties aggrieved to proceed in a legal way to vindicate their character from the aspersions cast upon them by the petition presented last night. He thought that it would be a scandalous proceeding if persons were to be permitted to make such allegations to the House as were contained in that petition, and the House were to refuse the parties aggrieved the means of redress.

Mr. *Hawes* wished to explain the position in which he stood with respect to the Select Committee which it was last night his intention to have moved for that day. After he had stated that he would move for such a Committee, the noble Lord the Member for Nottinghamshire (the Earl of Lincoln) stated that he would oppose the Motion. He thought, therefore, with the Government opposed to it, that it would be a perfect farce to move for such a Committee. He was now ready, however, relying on the assurances which had been given him, faithfully and diligently to prosecute the inquiry, notwithstanding all the asseverations which had been made by hon. Gentlemen on either side of the House.

The Earl of *Lincoln* rose to correct a mis-statement, or rather a mistake, into which the hon. Member had fallen. What he had stated, was, that he would support the hon. Gentleman's Motion for the printing of the petition, reserving to himself, until that day, to consider whether he would support the Motion, which it was understood was to follow it, for appointing a Select Committee, stating at the same time that his reason for so reserving himself was, that although it might be perfectly proper to appoint such a Committee under other circumstances, it was questionable whether at this period of the Session an inquiry should be commenced which might not be completed until the following Session. The greatest progress which such a Committee might be able to make this Session might be the obtaining an *ex parte* statement of the case; and it would be unfair, he thought, to close the proceedings at that stage, without giving the other parties an opportunity of rebutting it.

Mr. *Hawes* was ready to move for the Committee now, if the Government would support him.

The Motion that the petition be printed with the Votes was then agreed to.

Mr. *Hawes* then moved that the petition presented to the House by the Deputy Chairman of the Cambridge and Lincoln Railway be referred to a Select Committee. He hoped the House would agree to the Motion, and that they would permit the Members of the Committee to be named at once, so that the inquiry might be immediately commenced.

Mr. *Warburton* had seen cause, during the progress of the discussion, to alter somewhat the opinion which he entertained at the early part of it. He agreed with the Chancellor of the Exchequer, that if the House granted Committees of this nature, for the purpose of inquiring into fraudulent subscription lists, and if these inquiries were to be conducted at the public expense, the presenting of petitions of this kind, and the conducting of proceedings thereupon at the public expense, would become the uniform course adopted as the most effectual, by parties opposing Private Bills. If the inquiry now sought were to go on, the parties seeking it should pay the expense, and not the public. He regarded this as a mode of action adopted by the opponents of the Bill to stop its further progress.

Sir *R. Peel* doubted whether the remedy sought for by the petitioners really existed. He also doubted the policy of the House

giving permission to parties to prosecute persons presenting petitions to the House; or whether, by giving such permission, the House could constitute the making false allegations in a petition a legal offence. He believed that it had been ruled by competent tribunals, that parties presenting petitions to the House were privileged so to do, without being liable to the consequences now sought to be visited upon the petitioners. His right hon. Friend the Chancellor of the Exchequer said that, if they took the course proposed, they would constitute a precedent which would be constantly appealed to in the case of Private Bills; and he was disposed to concur, to a certain extent, in that opinion. At the same time, they must remember that they were now dealing with an offence against the public. There was an allegation made by a party, that if he had a little time he should discover numerous other instances of similar frauds, in addition to those specifically alleged. A party came forward and alleged as a reason why they should not read a certain Bill a third time, that several instances of fraud existed in the subscription list; and that he was prepared to establish that allegation, urging it as a reason why the Bill should not be read a third time. If he could substantiate his allegation, he was perfectly warranted in presenting his petition; but if he could not, and if he had not good reason to believe that what he was urging was true, he had in that case committed a great offence against that House, because the statements which he made might have influenced them in the performance of their legislative functions. It was too much, perhaps, to hold that they were precluded from entering into this inquiry on the score of inconvenience. In the present instance, they had not permitted the allegations made to constitute an impediment to the performance of their legislative duties. They had read the Bill a third time, and so far the parties interested in it were not aggrieved; and the House were now dealing with the question merely as a Parliamentary question. If, therefore, they did not permit the rights of private parties to be affected, but now determined to investigate the matter fully, as a Parliamentary question, such a course could not be an inconvenient one. The hon. Gentleman opposite (Mr. Wakley), whenever he found himself in a difficulty, always said that he would leave the matter with him (Sir R. Peel); and he could not see what great public evil could result from instituting the inquiry demanded, particularly if they could get hon. Gentlemen who were ready, like the hon. Member for Lambeth, who would probably be the chairman of the Committee, to sit for forty-eight consecutive hours over their labours. He was quite convinced that the hon. Gentleman did not make the offer of his services under the impression that it would not be accepted. If the Committee were appointed, it might sit to-morrow; and if the inquiry were not immediately completed, it would have the opportunity of reporting to the House that it had made a certain progress, and of recommending that the investigation should be resumed next Session. Not seeing any great evil that was likely to flow from such a course, as a precedent, he for one was disposed to vote for the appointment of a Committee.

Mr. *Wakley* was glad that he had referred the case pointedly to the right hon. Gentleman, as it turned out that he had made a good selection. The question now was, to what extent the inquiry was to proceed, and what was to be its precise nature.

Lord *John Russell* agreed with the course recommended by the right hon. Gentleman. He thought the inquiry sought for should be made; and, guarding himself against the presumption that he would in future vote for a similar Motion, unless under similar circumstances, he would support the Motion for the appointment of a Committee.

Sir *R. H. Inglis* thought that the course proposed by the right hon. Gentleman, and adopted by the noble Lord, might probably be the wise one, but it was not the course for which the petitioners in the present case prayed.

Committee appointed to examine the allegations of the petitioners.

FIRE AT QUEBEC—MESSAGE FROM HER MAJESTY.] Colonel *Dawson Damer* appeared at the bar, with a Message from Her Majesty. Upon being called on by the Speaker, he said that Her Majesty had received the Address of that House on the 1st of this month, to which he had been directed to present to the House the following Answer:—

"I have received with much satisfaction your Address, in which you assure Me that you will make good a sum of money to be granted for the relief of the sufferers by the late calamitous Fires at Quebec.

"I have given directions that a sum, not exceeding 20,000*l.* shall be applied for this purpose."

Message laid on the Table.

TRAVELLING ON RAILWAYS.] Viscount *Palmerston* had a question to ask of the Vice President of the Board of Trade, of which he had given notice. He wished to state his reason why he put this question. He had received a letter from a friend, who had not long ago been a Member of that House, and who, having observed a statement in the papers as to the practice of employing engines at the rear of the train, wrote to him to say that he had observed the same thing on the London and Birmingham Railway. His friend said that he was going down the other day on the fast train—he begged of hon. Gentlemen to remark that—and upon the line from the Weedon station to Birmingham, he observed that they had an engine in the rear, when they were going at a rate, it might be supposed, of from forty to fifty miles an hour. His friend remonstrated against this, but in vain; and in the morning, when he complained at Birmingham, the answer he received was that they were in the constant habit of doing it. If this, then, were the general practice on railways, it seemed to him to be a matter of considerable importance; and it was desirable and essential that it should be put a stop to. The questions, then, that he wished to ask of the hon. Baronet the Vice President of the Board of Trade were, whether the Board of Trade had the power by law to prevent these proceedings; and whether, if they had not the power, the Government would think it right to bring in a Bill—to bring it in now, before this Session was over, giving them some power in this matter? Even still there was time to do this; a Bill might pass through the House of Lords to-morrow and next day, and being brought down to that House on Friday, might pass through all its stages. A Bill of this sort, he said, was required to give security to Her Majesty's subjects.

The *Chancellor of the Exchequer:* To do it this Session, you must have an engine behind.

Lord *Palmerston:* It were better that that should for once be done here, in order to secure the placing of the engines before there in future.

Sir *G. Clerk* replied, that the Board of Trade had no power whatever in the matter to which the noble Lord had referred. All that they had was the power to remonstrate with railway companies, and of pointing out to them any dangerous practices that were known to exist on their lines. And he would take the present opportunity of stating, that whenever the Board of Trade had felt it to be their duty to remonstrate, they had found the utmost readiness, on the part of the various companies, to adopt any suggestion that they might make. The question of having engines placed behind the trains, had attracted the notice of the Board of Trade on several occasions; and in 1841 they addressed a number of queries to all the railroad companies at that time in existence, asking them whether, under any circumstances, additional engines were employed by them, and whether they were placed in front or behind the trains. In answer to those queries, he believed with one or two exceptions only, the Board were informed that it was necessary sometimes from the state of the weather, or accidental circumstances, such as the extraordinary weight of the train, to employ a second engine, but they uniformly employed it in front of the train; and most of the companies admitted that it was extremely objectionable, and highly dangerous, to use an engine behind. At the same time, they stated that there were particular circumstances, as in case of an incline of considerable steepness, which it was found difficult to overcome with the ordinary locomotive power, where it was more convenient to employ an engine behind; because, if it were placed in front for a short distance, in order to surmount the incline, there would be considerable difficulty experienced in detaching the engine, and getting it out of the way of the train, without stopping the train altogether. They added, that where a second engine was employed in a case of that sort, the speed of the train was necessarily very much reduced, and there was no ground for apprehending danger. In the neighbourhood of Liverpool, he understood, there were one or two steep inclines, and that the practice of having a second engine to propel the trains up these inclines, had been adopted without any danger arising. The Board of Trade received a complaint from a gentleman last year, relative to the practice which prevailed on the South Eastern Railway of employing an engine to propel the trains on other parts of the line than the

steep gradients. The Board of Trade corresponded with the directors of the South Eastern Company on the subject. They attempted to defend the practice; and the Board signified that it was extremely objectionable, and could only be allowed on steep inclines. He was sorry to hear the statement made by the noble Lord, that upon the London and Birmingham line, the practice had been lately introduced of using a second engine to propel the trains. He presumed, however, that that must have been in the case of the express trains; for, on referring to their answers, taken in 1841, he observed that the directors of the London and Birmingham Railway stated that it was a practice they never had had recourse to. Any Gentleman who went to Euston-square might see two engines employed to take the trains to Camden Town; but those engines were in front, and not behind. The Board of Trade had always said, that it was extremely dangerous, and, therefore, highly objectionable, to place the engines behind; and they had endeavoured, as far as they had power, to prevent it. It might be expedient, if the practice were becoming more general, that Parliament should interfere early in the next Session; but it was utterly impossible to do what the noble Lord proposed, namely, pass a short Bill through its various stages, in both Houses of Parliament, in the present Session. He apprehended that, considering the difference of opinion which prevailed in this House, with regard to investing the Board of Trade with additional powers, any Bill, having that object in view, would give rise to very considerable discussion, and occupy some time in passing through the House. He could assure the noble Lord, that the Board of Trade would devote their best attention to the subject, in order to remedy the evil complained of.

Subject at an end.

Augmentation of Small Livings.] Viscount *Clive* asked the right hon. Baronet the Secretary of State for the Home Department, whether any communication had taken place between the right hon. Baronet and the Ecclesiastical Commissioners, as to the formation by them of a scale for augmenting small livings, in which area shall be taken into consideration as well as population; also, when such scale is likely to come into operation, as proposed by the right hon. Baronet during the progress of the Cathedral Churches (Wales) Bill (Act 6 and 7 Vic., c. 77,) through the House of Commons, in the Session of 1843?

Sir *J. Graham* said, that no written communication had taken place between him and the Ecclesiastical Commissioners upon the subject to which the question referred; but he, being a member of the Commission, did bring the matter under the consideration of the Commissioners. At the present moment, however, on account of the deficiency of funds, all augmentation of small livings by the Commission was suspended. When he (Sir J. Graham) proposed that area as well as population should be taken into consideration with reference to the augmentation of small livings, no positive decision was adopted by the Commissioners, but the proposition was favourably entertained.

Railway Accidents.] Mr. *Waddington* wished to ask the hon. Gentleman the Vice President of the Board of Trade, whether he had received any information relative to the serious accident which yesterday occurred on the Eastern Counties Railway. He understood that the directors had withheld all information upon the subject; but he had visited the spot immediately after the accident took place, and a frightful accident it proved to be. Not only was it attended with the death of a stoker, but another man had his leg broken, and a third he saw led away to the hospital in a most alarming state.

Mr. *Ward* said, that the hon. Baronet (Sir G. Clerk) could scarcely yet have received the account of the accident at the Board of Trade; and perhaps the House would allow him to state the particulars of the unhappy occurrence. If it were to be ascribed to the causes which he had heard alleged, he did not see how any human foresight or precaution could have averted the consequences. It appeared that the train left London at eleven o'clock yesterday forenoon, and as since the opening of the new line to Cambridge the board of directors had taken the precaution of desiring the superintendent of the locomotive department to go as far as Cambridge with the quick train, to see that the men properly worked the engines, the superintendent was accordingly on the engine yesterday, and was the only one of the survivors who could give an account of the occurrence. He preserved the whole of his recollection, and was under examination to-day. He stated that the engine

employed was one of the first class. It was of the very finest quality that could be produced, and had just been brought into work. It was running perfectly steady, at a pace of about twenty-eight miles an hour, and no vibration or oscillation was perceptible, or anything to indicate that there was danger before them. But, upon a sudden, one of the wheels of the engine was struck, apparently by the end of a rail which had risen in consequence of the wedge which fastened it having got loose. At all events the engine was thrown off the line, and ran for upwards of a hundred yards along the ballast, dragging with it the whole train. The superintendent stated that, retaining all his presence of mind, up to a certain period after the engine left the rails, he hoped to stop the train without any fatal result: instead of which, however, on a sudden, the engine turned off across the second line, and ran against a bank. The engine was of enormous power, and the train was a very long one. The nearest carriages to the engine, two second-class carriages, and a horse-box, were at once thrown into a heap, and the engine-driver cast to a considerable distance. When the examination was proceeding to-day, he was not in a fit state to answer any questions, and it appeared that he had no recollection whatever of what had occurred. Some how or other the clothes of the stoker were caught by the engine, and he was thrown under the heap of carriages, and, as it was to be hoped, instantly killed, for the unfortunate man's lower extremities were completely burnt. The superintendent of the locomotive department found himself under this enormous pile of wreck, and within nine inches of the dead man. Having crept from under it, he discovered the carriages burning. The guard, who was sitting on a second-class carriage, had one of his legs broken, and the other materially injured. He was conveyed to the hospital at Cambridge: and it was perfectly providential that not one of the passengers in the long line of carriages which composed the train was injured. Some of the escapes were of the most extraordinary description. There was a woman with an infant in her arms in one of the second class carriages, and both escaped; and, excepting some slight bruises, as he had already observed, no injury whatever had been sustained by the passengers. After the minutest examination with regard to speed and other circumstances, he could not find that anything was done by the servants of the Company which could have occasioned the accident, which he entirely attributed to the circumstance of the rail having risen. The line to Cambridge was opened only a week ago, after inspection by General Pasley, who was so satisfied with it that he said he never saw a line constructed that did greater credit to the promoters. There was every reason to believe that it was as firm, safe, and durable a work as could have been constructed; and he thought that no human foresight or precaution could have prevented the accident. Of course the whole of the circumstances would be investigated by the Board of Trade, to whom the directors had sent an official report this day.

Colonel *Sibthorp* and Mr. *Gregory* rose together; but, being reminded by Mr. *Speaker* that there was no question before the House, they both resumed their seats.

The *Chancellor of the Exchequer* moved the Order of the Day for the third reading of the Exchequer Bills Bill; upon which,

Colonel *Sibthorp* said, the question now was whether it was not necessary that the Government should without any delay take some steps for affording compensation to the unfortunate individuals who suffer by accidents on railroads.

Mr. *Gregory* said, it must be a subject of great congratulation to all persons who travelled by railways, that it was intended to confer further powers on the Board of Trade; but to none could it be a subject of greater congratulation than to those who had had the misfortune to travel on the Eastern Counties Railway, that it was intended to confer powers on that Board to enable it to institute a rigid investigation into the proceedings of that line. He had the honour, at the beginning of this year, to submit to the Board of Trade a memorial, signed by twenty-two Members of that House, and also by Lord Exeter, Lord Stradbroke, and others, complaining of the malpractices on that line. They complained of great and unnecessary delays, of extreme incivility, and of insufficient attendance. They complained to the Company of that delay, and all they received in reply was the time tables of the railway. But he could prove to the House, and the hon. and gallant Member for Huntingdon could bear out that statement, that the statistics contained in those tables were totally incorrect. How could it possibly be imagined that there could be safety on

a line where the delays were so great—actually a delay of an hour having taken place on a line of thirty miles' length, particularly where, with the insufficient arrangements on that line, the succeeding train might run into that which was delayed?

Mr. *Ward* hoped the House would feel that he was justified in making a few remarks upon the statement which had been made by the hon. Gentleman. The hon. Gentleman was one of a section of gentlemen whom the Company had been most anxious to please, but whom they had been so unfortunate as to displease. The period to which the hon. Gentleman referred, was the Newmarket week; and there was a most unfortunate succession of mishaps—he could call them nothing else. There was every wish to accommodate those gentlemen, but one thing after another went wrong; but, at all events, all that the hon. Gentleman suffered was loss of time, and the hon. and gallant Member for Huntingdon was once or twice too late for his dinner. The servants of the Company were bound to make accurate returns of the time at which the trains arrived at the several stations. He hoped that, in future, when the hon. Member who had spoken had occasion to travel by this railway, he would have no reason to complain of their arrangements.

Sir *C. Burrell* wished to call the attention of the right hon. Baronet the Vice President of the Board of Trade to a report he had heard, that the chief engineer on one of two great competing lines of railway had declared that, if the trains on the other line were propelled at the rate of fifty or sixty miles an hour, the trains on his line should exceed that speed by five miles an hour. If that report were true, he thought it was time the Government possessed some power to restrain such dangerous competition.

Mr. *Ewart* said, it appeared that in the train to which this accident occurred, the engine was followed by a luggage carriage and by two empty first-class carriages. Those carriages were rent in pieces, while the carriages containing passengers were undamaged. He thought, therefore, that it would be a most prudent regulation to require railway companies to place luggage or empty carriages between the engines and the carriages conveying passengers. This was a subject which, in his opinion, was well worthy the consideration of Her Majesty's Government.

Colonel *T. Wood* thought the number of railway directors should be limited, that the responsibility should rest with them, that they should receive fixed salaries, and that one of them at least should reside upon the railway. He entertained great respect for the talents and character of the hon. Member for Sheffield; but he could not conceive how that hon. Gentleman could find time to attend to the minute details of a railway company, and to the superintendence of arrangements necessary for securing the safety of passengers. The fact was, that though these arrangements were conducted by boards, the whole business was transacted by a secretary, and there was no proper responsibility attaching to any individual. Gentlemen in the position of the hon. Member for Sheffield did not receive such remuneration for their services as directors as would induce them to give proper attention to the arrangements of railways. He thought, therefore, that the number of directors ought to be limited, that their salaries ought to be fixed, and that one of them should be required to reside on the railway premises.

Mr. *P. Howard* said, that on the Newcastle and Carlisle Railway, if any accident happened to a servant of the Company, they invariably gave some compensation or made some allowance to the sufferer. In the very few cases of fatal accidents which had occurred on that line, the Company had also awarded some compensation to the family of the unfortunate deceased. He trusted the same equitable feeling would induce the Eastern Counties Railway Company to make some allowance to the families of the unfortunate sufferers by the recent accident.

Mr. *Ward* wished to state, that at the meeting of the Board of Directors that morning, the very first resolution to which they agreed was, that a provision should be made for the widow of the unfortunate man who had been killed, and that every possible attention should be paid to the other sufferers.

Subject at an end.

Union Workhouses (Ireland).] Mr. *Hume* wished to put a question to the right hon. Gentleman respecting a sum of 46,000*l.*, which had been applied by the Government to defray some of the expenses connected with the erection of Union Workhouses in Ireland. He wished to know whether any portion of that money had been voted by the House, and if not, whether it was intended to be so voted.

The *Chancellor of the Exchequer* said, he had not the papers connected with the subject before him, and therefore he might be inaccurate in stating details; but he could state generally that the Union Workhouses had been built, not by means of votes of money in Parliament, but the general authority of the Act which had imposed the Poor Law upon Ireland, and which had directed generally that a sum of money should be advanced on Exchequer Bills for the purpose of erecting workhouses in the different parts of Ireland. Those workhouses had been accordingly erected under the direction of the Poor Law Commissioners; and it had afterwards appeared that from the rapidity with which they had been erected, they were in point of fact not worth the total amount which had been charged for them. At last great complaints had been made by the parishes that they were called on to pay a larger amount than that which they had received was equitably worth; and upon their representations the Government had sent an engineer officer to examine into the real state of those workhouses, and in consequence of his report it appeared that certain deductions were to be made from the sums to be paid by particular parishes. These deductions were given in the papers which the hon. Gentleman held in his hands. Power had been given at the same time to remit part of the payments in particular cases, with respect to the advances which had been made.

Mr. *Hume* said, his question had not been answered by the right hon. Gentleman. The question was, who was to pay that 46,000*l.*? Out of what fund was it to come?

The *Chancellor of the Exchequer* said, it was advanced by the public—so much as was said to have been charged on the parishes unjustly, and the public would have to pay it.

Mr. *Hume* said, if the Government had authorized the payment of any money which had not been included in the general stipulation, it was quite illegal.

The *Chancellor of the Exchequer* said, that the money was to be paid in the course of twenty years. But the Government had the power, under the Act which enabled them to make the advance, of remitting those payments which were not justly due by the parishes to which they were charged, and they had exercised that power in the manner he had mentioned.

Mr. *Hume* considered the matter altogether a violation of the rights of the House of Commons, with regard to the expenditure of the public money.

Tenement Valuation (Ireland).] Sir *D. J. Norreys* said, he had given notice of his intention to put a question to the right hon. Baronet the Secretary for Ireland, with respect to the valuation for the purposes of assessment in Ireland. He wished to be informed whether that system, which had been denounced as inapplicable to Ireland, was to be persisted in; or whether it was intended to continue the tenement valuation now in progress, in pursuance of the recommendation of a Committee of the House of Commons; or whether, as there appeared to be a difference of opinion on the subject between that House and certain noble Lords in the other House, as to the principle on which that valuation should be conducted, it would not be better to stop the progress of the valuation altogether, until both Houses should be able to concur as to the principle, rather than to continue an expense which might afterwards turn out to be useless?

Sir *T. Fremantle* much regretted that the Valuation Bill for Ireland had been rejected by the House of Lords; the only consolation, however, which he derived under the circumstances was, that it had been decently interred. It was, no doubt, difficult to devise a principle of valuation which should be applicable to all purposes of local assessment, and be, at the same time, satisfactory to all parties. He had hoped that that object would have been accomplished by the Bill of the present Session, but unfortunately that Bill had failed. He had at present no doubt that he should have to bring the question again under the consideration of Parliament in the ensuing Session; but it would be at present premature to offer any opinion as to the principle upon which the proposed measure should proceed. As far, however, as he could now speak, he should say that his recommendation would be, that, relying on the decision of the Committee of the House of Commons, and recollecting that a Bill embodying that decision had already passed the House of Commons, and had been carried up to the Lords, and was there rejected almost wholly on account of the late period of the Session at which it was sent up, the principle of the Bill of the present Session should

be adopted. And with regard to the valuation now in progress, he thought the Government would be justified in giving orders to Mr. Griffiths, that any surveys made in the interim should be as extensive as possible, so as to be applicable to all the purposes it was sought to effect.

Mr. *M. J. O'Connell* hoped the measure would be brought in at a sufficiently early period of the next Session to give all parties full time to consider it.

Sir *D. Norreys* inquired whether the new valuation would be on the standard of prices, as regulated by the old Act, or whether it would proceed on the principle of the valuation adopted under the Poor Law Act?

Sir *T. Fremantle* said, the valuation would be made, in the first instance, on the actual value of the property. If they estimated the value according to the standard of prices, they must still have a preliminary valuation.

Subject at an end.

Postal Communication with Newfoundland.] Mr. *Pakington* said, a petition had been presented by a noble Friend of his from St. John's, Newfoundland, setting forth the advantages which would result to the inhabitants of that Colony if the Post-office packets, which frequently passed so near as to come within sight of their ports, were required to touch there, for the purpose of conveying their letters to and from England direct. He wished to ask his hon. Friend the Under Secretary for the Colonies whether any and what steps had been taken on the subject?

Mr. *G. W. Hope* said, his noble Friend the Secretary for the Colonies had, he believed, received for presentation to Her Majesty an Address upon the same subject as the petition which had been presented to that House. The Government had but one object in these matters, to confer as generally as possible the advantages of postal communication; and, upon the receipt of the petition and the Address alluded to, the question of whether the prayer of the inhabitants of the Colony in question, that the packets should call out and home at St. John's could be complied with consistently with due despatch as regarded the other American Colonies, had been referred to the Admiralty and Post-office Departments; and their opinion was, that, though the packets often came within sight of St. John's, to oblige them to call there on all occasions would occasion much delay. In winter, it was obvious such communication would be out of the question; but even in summer, the navigation in the neighbourhood of Newfoundland, owing to the drifting ice, and the dense fogs that often prevailed, was a matter of difficulty, and would involve much uncertainty and delay; and he had no doubt that the Company who held the contract for the conveyance of the mails to North America would object to the packets calling at Newfoundland, as it would materially increase the length of the voyage.

Andover Union.] Mr. *B. Osborne* remarked, that on a former occasion the hon. Member for Finsbury had drawn the attention of the Government and the House to certain transactions that had occurred in a certain Union House in the county of Hampshire. He would ask the right hon. Gentleman (Sir J. Graham) whether he had, as he then promised he would do, instituted any inquiry into the accuracy of the statements which had been made?

Sir *J. Graham* said, he understood at the time that the Union to which the hon. Member for Finsbury referred was that of Andover, and it was quite true that he undertook that inquiry should be made into the circumstances to which the hon. Gentleman called his attention. In consequence of that promise he had issued a notice to the Poor Law Commissioners on the following morning, requesting them to institute an immediate inquiry. He had not yet received their report, but he hoped to do so before the prorogation; and when he received it, he would lose not a moment in laying it on the Table. He might add, that not only had he directed inquiry to be instituted, but he had asked the question of the Commissioners, whether any information, such as the hon. Member for Finsbury had received, had been communicated to them; and their reply was, that they had never heard of the transactions referred to until they were mentioned by the hon. Member for Finsbury in that House.

The Exchequer Bills (9,024,000*l.*) Bill was then read a third time and passed.

Silk Weavers.] Mr. *Greene* moved the Third Reading of the Silk Weavers' Bill.

Mr. *Hume* knew nothing of the object of this Bill, and he believed the House generally was in the same situation. He was not even aware that it had been printed.

Mr. *Greene* said, in the absence of his hon. Friend the Member for Lincolnshire, who had charge of the measure, he had undertaken to move the third reading. The Bill was one which had come down recently from the House of Lords, and was a counterpart of the measure which had passed some time ago for regulating the working of framework knitters.

Mr. *Bright* said, it was quite evident that those who had introduced this Bill into Parliament were either ignorant of the subject upon which they sought to legislate, or were pandering to the prejudices of that class who would be affected by the measure. They might depend upon it that the measure would do no good, but would disappoint the silk weavers in the expectations it would excite in their minds. But for the late period of the Session he should oppose it.

Sir *J. Graham* remarked, that the Frame Work Knitters Bill, upon the model of which he understood the present measure was founded, had received the fullest consideration, and had resulted from the recommendation of a Commission appointed by the Crown, in compliance with an Address of the House of Commons. Though the hon. Gentleman opposite (Mr. Bright) thought it would lead to disappointment, he was informed that the workmen who would be affected by it were most anxious for this legislation. The principle was in no way novel; it had existed in regard to the hosiery trade for a long time, and he did not consider that he would have been justified, on the part of the Government, in resisting a wish so generally expressed by those for whose benefit the measure was brought forward.

Sir *John Easthope* said, that some time ago he had received from several of his constituents a communication requesting him to support the provisions of this Bill. He had occasion to leave town immediately afterwards; but before going away, he informed his hon. Colleague of the contents of that communication. The Bill should receive his support.

Mr. *Borthwick* said, the Bill had only come down from the House of Lords on the 30th of July, and it now appeared that nobody in that House was responsible for it. It was too much to expect the House, at that late period of the Session, to pass a measure of which they knew nothing. For his part he could not conceive in whose prolific brain the Bill had originated. They had heard from *Punch*, who had recently become a high authority upon such matters, that there was a certain noble person in another place who went about crying "old laws to mend;" he could only suppose that it had originated with him. He wished to know whether the Board of Trade approved of the measure?

Mr. *Greene* said, when he took charge of the measure for his hon. Friend the Member for Lincolnshire, he took the precaution of inquiring of his right hon. Friend (Sir G. Clerk) whether the Board of Trade approved of it, and was informed by him that he had read the measure, and that it had his approbation.

Mr. *Warburton* said, it was not a sufficient reason with him to consent to a measure of which he knew nothing, that the Board of Trade approved of it. He would move that the third reading be deferred till that day three months.

Colonel *Rolleston* said, the object of the Bill, as he understood, was to protect the working silk weavers against the master manufacturers.

Mr. *Hume* objected to the issuing of such complex tickets as those contemplated under the measure before the House. He hoped that the Bill would be allowed to stand over.

Mr. *Duncan* thought the measure a dangerous one. Such a Bill would form a precedent for other measures which would fetter the liberty of trade.

Mr. *Villiers* objected to the passing of the Bill, coming as it did so late in the Session, and so objectionable as it was in many points.

Mr. *Brotherton* thought that the Bill should be postponed until next Session. He was of opinion, however, that it contained many admirable propositions.

Sir *John Easthope* said, that representations had been made to him in favour of the Bill. It had been generally known in the districts principally concerned, that such a measure was pending in Parliament, and he apprehended that no objection had been raised to it, either on the part of the masters or that of the operatives. He had been told that the measure

was a sort of compact which would tend to produce a better feeling than that which had previously existed between employers and employed. Whether it might prove a sound remedy for the abuses which prevailed, he did not pretend to say—he might have some doubts upon that point; but he certainly did think, that as no objection had been started by the masters, and as the measure had been held out to the men as one of security for them, that unless any hon. Member were prepared to state that there was any practical objection standing in the way, it would be hard to interfere with the passing of the Bill.

Sir *J. Graham* suggested that further debate upon the subject should be adjourned until Friday, by which time he would have had an opportunity of consulting his noble Friend the President of the Board of Trade upon the Bill. The effect of the proposed alteration in the law would be to make compulsory that which was optional under the Bill of the hon. Member for Montrose. The feeling of the working classes he understood to be strongly in favour of the Bill.

Amendment withdrawn. Debate adjourned until Friday.

Case of Lieutenant Hollis.] Mr. *Bickham Escott* moved for copies of all letters and other documents which had passed to and from the Court of Directors of the East India Company, and Lieutenant W. Hollis, and to and from the said Court and the Board of Control, relative to the dismissal of that officer from the East India Company's service. Lieutenant Hollis was dismissed from the East India Company's service in 1841, in consequence of having made use of insulting language to his superior officer. He (Mr. Escott) admitted that the expressions employed were unjustifiable; but he urged that strong provocation had been given by the unwarrantable conduct of the officer insulted, and he hoped that the case would be taken into the merciful consideration of the Court of Directors. He maintained, also, that the court-martial which condemned Lieutenant Hollis was illegally constituted, and read extracts to prove the extenuating circumstances of the case and the irregular constitution of the Court.

Viscount *Jocelyn* had no objection to the production of the correspondence, believing that it would prove that the Court of Directors had acted with justice, and at the same time with leniency. In 1841, during his voyage in a troop ship to Bombay, Lieutenant Hollis was put under arrest; he broke that arrest, and made use of language to his superior officer utterly subversive of all discipline, and such, indeed, as no one gentleman would use towards another. He was therefore tried, and sentenced to be cashiered; but in consideration of the conduct of his superior officer, he had been recommended to mercy, and the East Company had, in consequence of that recommendation, granted to him a pension of 70*l.* a year, being only 10*l.* below that to which he would have been entitled had he retired upon half-pay, without a stain upon his character.

Motion agreed to.

Business of the Session.] Lord *John Russell*: I do not think that the Motion of which I have given notice will interpose to prevent the disposal of any public business now remaining for our consideration. I understood from the right hon. Gentleman the Chancellor of the Exchequer, that the Consolidated Fund Bill and some other Bills would be passed at an early period of the evening, and I was perfectly satisfied to postpone my observations until a later period. These measures having been passed, I will take this opportunity—one of the last we shall have this Session—of considering in what way we have performed the duties we were called on to perform by Her Majesty in Her Speech delivered at the commencement of the Session. And in so doing, I shall refer to those subjects rather with the view to measure the progress we have made—to point out the defects that are to be found in those measures, and to ask the House to consider the prospect before them—than with the view contemplated on another occasion, and in another place, of proving the Ministers of the Crown to be incompetent to the functions which they have to perform. Whether that be so or not, it is not my present purpose to inquire. If, however, it were my purpose to imitate the practice to which I have referred—if it were my purpose to found a charge of incompetency on the fact that measures were delayed until a late period of the Session, and only sent from one House to the other in the month of July,

when there was not time deliberately to consider them; and that many measures brought forward at an early period of the Session were given up at the end; I think ample materials could be found in the course pursued by Gentlemen opposite, for enforcing such topics on the attention of the House. One Bill alone, the Bill of the right hon. Secretary for the Home Department — I mean the Physic and Surgery Bill—would form the subject for lengthened comment of this description. The right hon. Gentleman was accustomed to lay great blame on me for bringing forward a measure on the Poor Laws of a complicated nature, and afterwards making Amendments in it, in compliance with the suggestions of Members of this House. It is not the custom of the present Government to listen to objections made in this House—at least not frequently—but they have the custom of altering from time to time their measures, owing to the suggestions which some particular classes of the community make. Thus, with regard to the measure I have just referred to: first, the Council of the College of Surgeons was implicitly to be relied on; then the general practitioners were to be looked to, and their suggestions complied with; then, from the objections of the physicians and surgeons, it was altered again, and though put in so many different shapes, each one was found unsatisfactory to some large class of the profession. I think I have said enough, if I were to imitate the language that was used with respect to me—if I were to place on such a foundation the charge of incompetency for the functions of legislation—that that Bill alone would afford me a sufficient opportunity of making such an attack. But, Sir, I acknowledge there is another question, far more important than the exact mode of legislation carried on as to a number of detailed measures; and that is the question for our consideration, how the great interests of the country are affected by the measures brought before this House, and in what position the country now stands in consequence of them. In reviewing those subjects, I will take the measures in the order observed in the Queen's Speech from the Throne, at the beginning of the Session. The Queen's Speech began by alluding to what will form a very small part of my present remarks—namely, the state of our Foreign Affairs. I rejoice to say that we are not now, as we were at the close of the last Session, looking anxiously to the settlement of differences with France, which threatened a rupture of our amicable relations with that country. I am happy to find our friendly relations so close and unbroken, and that there is every prospect of the continuance of peace between these two great and enlightened countries. Sir, there is a question, however, to which, though I do not mean to enter on it in detail, I cannot help adverting for a moment or two—I mean the question pending between this country and the United States of America. I wish, without at all desiring to interfere with the discretion of the Executive Government, or at all dictating to them as to the course they may think fit to pursue for the settlement of the question of the Oregon Boundary—I wish still to say that those opinions which I gave this House at another period of the Session, of the justice of our claims, are entirely unshaken by anything I have heard or read since on this subject. The right hon. Gentleman opposite, on that occasion, said the Government of this country were prepared to maintain our rights. I do not question that assurance. I do not propose to ask him any explanation of the mode in which he proposes to maintain these rights. I am glad to see—regretting as I do the loss of that distinguished and enlightened man who is now the Minister of the United States in this country—I am rejoiced to see a person, who was here many years ago, and who made himself universally respected and esteemed in the society of this country, has been appointed to replace Mr. Everett. I trust that, with fairness and moderation in the discussion of these questions between the two Governments, without any loss of honour or sacrifice of substantial interests, the negociations will be brought to a friendly and amicable conclusion. With these few words (and I am glad they should be so few), I leave the subject of foreign policy; and I come, at once, to what has been done in the course of the Session with respect to our domestic concerns. My opinion on this subject is—not that we should be altogether disappointed at the result of the Session—not that much was not done that affords good prospect for the future; but that while, on the one hand, we may congratulate ourselves on the progress made—especially on the statement of opinions—on the other, much

has been left unsettled, much that is of principle left unasserted, and much of a practical nature that remains for us to accomplish, if we really wish to serve the interests of the country by our legislation. Now, Sir, I will take, in the first instance, that question pressed so often on the attention of this House, which I imagine will be again pressed on it next Session, and perhaps for many future Sessions—I mean the anxious subject of Ireland. Sir, in adverting to that subject, I cannot but, in the first place, rejoice that those opinions which were held by Gentlemen who sat opposite some years ago, have been in a great degree abandoned; that even the language held by one of the principal Ministers of the Crown since he came into office has been retracted; and that, therefore, so far as renouncing former erroneous opinions, and being ready to enter on a new course, I have reason to congratulate the House on what has taken place on this subject. It will not be forgotten, that many years ago, when the Government of Lord Grey was divided on the subject, not only did those who were opposed to us resist the Appropriation Clause (which, as I still think, would have been at that time a fair and moderate compromise on the subject of the Church of Ireland)—not only did they oppose that Appropriation Clause (which I do not say was unnatural with their views of Church property and Church establishments)—but they likewise denied to the Irish the rights which the English and Scotch had obtained, with regard to popular election in municipal corporations. Sir, a Gentleman who then filled a distinguished situation in Government, and who was afterwards raised to a still higher station on the Bench of Ireland, and whose death we have had unfortunately since to deplore—I mean Chief Baron Woulfe—expressed very logically the reasons why he thought those privileges should be accorded, and very feelingly the degradation which would be inflicted on our Irish fellow subjects if they should be withheld. He said, he thought it a matter of right, that if those who belonged to England and Scotland obtained the power of popular election in corporations, Ireland should have it likewise; and that it would require the strongest reasons of necessity to justify us in refusing those rights. He stated further, that if they were refused, it could only be done on the ground that the Irish Catholics were unworthy to be members of a free community, and were only fit subjects for a despotism. Sir, I do not think he represented more strongly than the justice of the case required, the feelings of indignation which the rejection of such measures as those I have referred to were likely to cause. And yet the rejection of equal corporate rights was the object of a great party move by the Gentlemen opposite, with the honourable exception of Earl St. Germans, and two or three others. There were other matters with regard to Ireland which then came into question; on every one of which it happened that those opposed to us were inclined to raise in this country both national prejudices and religious convictions, to assist them against the claims of the people of Ireland. Sir, that course of policy, since they came into office, they have, at first doubtfully and silently, but at last explicitly, abandoned. It is now admitted that Ireland ought to have equal rights; it is now admitted, that, in point of principle, as to the rights of voting for Members of this House, or for Members of municipal corporations, they ought to have the same rights as the people of England and Scotland. This, so far as principle is concerned, is a great progress. But let us examine a little how far their measures have been consonant to their professions, and what they have effected for the great object of reconciling the feelings of the people of Ireland to those of the people of England, and inducing them to join in sympathy for defence against a foreign enemy, and in mutual harmony and good will in their domestic concerns, as becomes the people of one united kingdom. Sir, on this subject it is hardly possible to use an expression too strong to convey an idea of what they professed themselves ready to do. Well, with regard to municipal rights, with regard to the rights of election as to Members to serve in Parliament, what Bill have they introduced? It is notorious that the number of electors in the counties in Ireland, from the strict interpretation of the present law, have been in a great degree, and gradually, diminished. That is a grievance which requires the attention of Parliament. The attention of Parliament, however, has not been called to it. With respect to another subject on which they proposed to legislate, and on which

they made a very elaborate inquiry, no legislative measures have been introduced. I allude to the subject of the relations between landlord and tenant. It was my opinion, that the issuing of the Commission of Inquiry into the relations between landlord and tenant might be a wise measure; but I was not enabled to say positively it was so, until I should see the result at which that Commission arrived. It was evident that very considerable evils must attend the issuing of that Commission. It tended, in the first place, to raise great hopes amongst the tenantry —amongst the poorer and more ignorant class especially—it tended to make them believe that some great measure was at hand; that a comprehensive and efficient remedy would be applied for the relief of their misery, to supply the want of food and shelter, as well as put an end to the want of security of tenure, which they felt to be one of the greatest hardships they suffered. That was an evil inseparable from the issuing of the Commission. In the next place it was very likely, unless conducted with great care, to excite in the country considerable animosity on the part of the tenants against the landlords, from the former thinking they had the Government taking their part as against the landlords, who were looked on by the Government as tyrannical. In this respect the effect must have been far greater than that produced by the phrase which I heard some of those opposite condemn very strongly, which I think was a very proper phrase, and which was used by my late respected and ever to be lamented friend, Mr. Drummond, that "property had its duties as well as its rights." But the evils accompanying the issuing of the Commission might be remedied, if the Government, in issuing it, had a clear perception of the remedy which they wished to introduce, and only desired to frame its details by the additional knowledge they would acquire from the evidence taken before a Commission. I supposed, therefore, that some such remedy was in the contemplation of the Government. But, Sir, it appears I was totally mistaken in that supposition. It appears that there has been brought forward, as the result of that Commission, a Bill, which I must say was one of the most extraordinary measures ever brought under the consideration of the Legislature. It was a plan for the appointment of a Government Commission to interpose between landlord and tenant with regard to any transactions that might take place for the improvement of the land. How any practical man could have thought such a remedy at all suitable to the affairs of Ireland, I own I am at a loss to imagine. That Bill never arrived at this House. I suppose the universal outcry made by Irishmen of all classes and politics led to the abandonment of that Bill. Well then, Sir, what farther measures have they proposed? They have proposed a Bill for the endowment of the College of Maynooth, and a Bill for establishing of academical education, pointed to by Her Majesty in the Speech from the Throne. I do not wish to go over the arguments on these subjects. I think the endowment of Maynooth was made on a good plan; but I think the observation made with respect to it by a gentleman who has written very ably on the subject of Ireland perfectly just. He says there are two objections made to the endowment of Maynooth; one is, that the sum is so trifling that it is hardly worth the acceptance of the Irish; and the other is, that it would lead to the endowment generally of the Roman Catholic clergy; and this gentleman's answer is, "I think the first objection answered by admitting the value of the second, namely, by admitting that this grant will lead to the endowment of the Roman Catholic clergy." Now, at least, it would be an intelligible line of policy (without discussing whether it is right to endow the Roman Catholic priesthood) to introduce this measure to which the Roman Catholic prelates gave their consent, as the foundation of that still larger endowment to which it has been said the prelates would not consent. But the Members of the Government, one after another, explicitly declared that it was not their intention to follow up this measure by another such as I have hinted at; that such a measure might, in course of time, follow it, but that, at all events, the measure they introduced was a measure entirely by itself. Thus it is obvious they have raised a very great clamour in this country. They have excited, beyond any immediate clamour, a very deep feeling. If they do not mean to proceed farther—if they have not some measure in contemplation for another Session—I say they were unwise to provoke such resistance. Now, with regard to the other measure of

academical education, it happens that, on this subject, as on many others, although Ministers refused to listen to the counsel of this House, they did take counsel from others out of doors, and answered the demands made on them by a certain portion of the people, as to a question in which the latter felt an interest. The right hon. Gentleman the First Lord of the Treasury, told us—what I was very sorry to hear, on the subject of Maynooth—that his object was very much to break the confederacy that existed in Ireland for the purpose of promoting Repeal, and to divide the Roman Catholics, by proposing the Bill as a satisfaction to one portion of the Roman Catholic population. Well, then, it does appear from this that the Repeal Association (as was justly said by the principal member of it) was the chief cause of the introduction of this measure; that it was not founded on justice, or adopted with the view of affording an improved education to the Roman Catholic priests, but was yielded to the clamour of the Repeal Association, supported by the increasing multitudes which the Association collected. Well, that Bill, in its course through this House, produced a great excitement in England, and that excitement was chiefly caused by those who are opposed, not only to Maynooth, but to all ecclesiastical endowments — those who maintain that we are here to regulate secular questions alone, and that all religious instruction, in chapel or school, should be given on the principle of voluntary support. Such being the case, the Ministers introduced their next measure on that principle; and all the arguments stated by the right hon. Secretary of State for the Home Department in favour of his academical measure, were arguments repeatedly urged by some Members in this House, and very forcibly maintained by persons out of this House, against any State support of religious instruction whatever. But, Sir, above all, I would wish to impress on the House that these measures are late and are imperfect. In the first place, I maintain they are late; and I think that a great lesson is to be learned from the mode in which the party opposite, in Government and in opposition, have treated the claims of the Roman Catholics of Ireland. Many years ago, when the right hon. Gentleman the First Lord of the Treasury, was, I believe, a Member of this House, and was, if I am not mistaken, Secretary for Ireland, Mr. Grattan said, more than once, that if the Roman Catholic claims were allowed, he had sufficient authority from the prelates to state, that no Roman Catholic bishop would be appointed to whom the Crown objected. That would have been a great concession to the Crown of this country, and it would have enabled the Crown to refuse its sanction to the nomination of any prelate likely to use his religious authority for seditious agitation. That offer was rejected, and the Roman Catholic claims were refused. In 1825, another proposition was made by a noble Lord, still a Member of this House, that provision should be made by law for the Roman Catholic clergy of Ireland. The House agreed to that Resolution; but the Government of the day refused to concede the Roman Catholic claims, and that proposition fell to the ground. If you had agreed in 1813, or in the other years that Mr. Grattan made the proposal of conceding the Roman Catholic claims, you would have had the security of the nomination by the Crown of the Roman Catholic bishops. If you had agreed to Emancipation in 1825, you would have had the security—and a great one I consider it—of an endowment of the priests provided by the State, they no longer depending on voluntary support. You lost the opportunity for these measures. You granted Roman Catholic Emancipation at last, because you chose it as the alternative instead of civil war. You did not found it on justice and large policy, but you chose it as the least of two great evils. Such was your want of foresight, such your improvidence with regard to the past Now, with respect to the present—let us look to another measure I have already mentioned, namely, that for giving the people of the towns of Ireland an equality of municipal privileges with those of England. In 1836, it will be remembered, the King of this country, by the advice of his Ministers, stated that he hoped Parliament would agree to the reform of the municipal corporations of Ireland, founded on the same principles as the measures adopted as to England and Scotland. For my own part, I thought the assurance so general that it would be adopted by the whole House. I was disappointed; for I found the strongest opposition was raised to a concession of that kind. The question, then, was, whether or not you would

grant equal rights to Ireland: and let those who have attended for the last two years to the speeches of Mr. O'Connell, hear the language which he then used, if Parliament was ready to grant terms of equality to his country. Mr. O'Connell said—

"He had met congregated thousands in Ireland, and asked them, would they give up Repeal if he could get justice? He was met by a unanimous shout, 'Get us justice from England, and never think of Repeal more.' He came with that announcement to the British Legislature. He announced it with no affectation of humility—he did not represent any town, city, or borough—he represented millions, and had the confidence of millions. Do justice to Ireland, and England had nothing to apprehend from the further agitation of Repeal, nothing to apprehend from Ireland, but everything to hope. Henceforth separation was at an end. Do them justice, and they were ready to become a party to the Empire. Refuse it at your peril."

At a subsequent part of his speech he said—

"What was it that the Irish people wanted? Simply to become a part of England. True, they had sighed and struggled to procure a domestic legislature, and perhaps to that object might be still directed the aspirations of his own heart. But he and they were ready to give it up. He called upon the House to witness that they were ready to abandon the Repeal for ever upon one condition, and one only—that of being placed upon perfect equality with England and Scotland."

He then said, if that were not agreed to, they were resolved to do justice to themselves. Now, just consider what would have been your position had you agreed to those terms, and said, "We give you perfect equality, we will close with your proposal, we will give you what Mr. Pitt declared you should have and had a right to." Would you not have placed a great bar in the way of the further agitation of Repeal? Could Mr. O'Connell, after you had complied with these conditions, fairly again have raised that cry, which has inflamed millions, for a Repeal of the Union, and a separate legislature for Ireland? But, Sir, hon. Gentlemen opposite were again late. Not this House, but the House of Lords, in which their party had a majority, refused that measure, and others, which would tend to place the people of Ireland on an equality with the people of England. Well then, Sir, I ask, (having refused measures for the settlement of the ecclesiastical question in 1825, and Parliament having in 1836 refused civil equality,) do we find now, when Ministers are willing to propose, so far as political rights are concerned, perfect equality, the same answer as to a readiness to give up Repeal, which I have already read to you? Do we hear it now said, "Give us equal privileges, and Repeal is at an end?" Not a word of the kind. They tell us that no measures you can propose will have the effect of inducing them to give up the demand for Repeal. Without imputing to those opposite any improper motives for their conduct in 1836, I must say it was most shortsighted and totally wanting in wisdom, and that if the conciliation of Ireland is not effected, it is to be attributed to the delay and the refusal so long persisted in, to remedy the evils of which Ireland complained. Next, Sir, with regard to the ecclesiastical question. You refused the compromise proposed by the Appropriation Clause. You now hear the Church Question discussed as at the bottom of the evils of Ireland, by those who have considered the question of Irish Government on one side or the other. Many Gentlemen, not connected with party, have discussed this question. I have mentioned the able author of "Ireland, Past and Present," on the one hand; and on the other, amongst the opponents to Maynooth, I may name the distinguished author of one of the pamphlets recently published, the Rev. Baptist Noel; they both agree that it is most unjust to refuse Ireland equality. One party says the way to effect that object is to endow the Roman Catholic Church, and to place it on equal terms with the present Establishment. Mr. Baptist Noel says, and those who think with him say, they would never consent to such an endowment, and that it would not only be unwise, but a violation of what is due to the conscientious conviction of Protestants. What he proposes is the total abolition of the present Church Establishment of Ireland. Now, depend on it, that Government, however constituted, will be forced sooner or later to adopt one of these alternatives. It is impossible that they can refrain altogether from a settlement of the question in one way or the other. There are difficulties in the way of both. I have stated in the House before now on what general principle I should act. If I were to attempt to carry into effect that view, I know I should excite

great opposition amongst a considerable party in England. If you attempted the destruction of the Church of Ireland, you are aware of the difficulties you would be met with, the feelings you would have to shock, and the principles to which you would have to run counter. But every man who has looked at all impartially at the subject of Ireland, every Englishman who has looked to the settlement of the Irish question, has agreed in this—that either on the one principle or on the other, the future policy of the country must be conducted. It is for these reasons, I say, that the Government, in bringing this question before us in a partial way—in submitting one measure of an excellent description, and to which I gave my best support, and another measure of a doubtful character—ought to have been prepared with ulterior measures, and that if they thought it right to go no farther in the present Session, they should not be unprepared with a remedy in a future Session; for, depend on it, unless you determine to settle this great question, the mind of Ireland will continue to be agitated. And how will it be agitated? We had formerly great parties discontented with the Government. In 1834, there was a great meeting at Hillsborough to declare their dissatisfaction with the existing Government. Great numbers of Protestants declared their dissatisfaction with the Governments of Lords Normanby and Fortescue. During the present Government millions have assembled, and with the greatest enthusiasm in their cause, declared their adherence to the opinions of the Repeal Association, and cheered with shouts of delight any taunt or invective, not only against the Government, but against the people of England. But we have now arrived at this result, that neither the one party nor the other are content. While we have assemblages on the one side presided over by Mr. O'Connell, we are threatened on the other with immense Protestant meetings, to declare their dissatisfaction and discontent with the present state of things. Let the Government rely upon it, it will not do to allow this general discontent to continue. It is not only disgraceful to them as a Government—it puts in peril the whole United Kingdom. Let them recollect that the phrase of the right hon. Gentleman, when he spoke of sending a message of peace to Ireland, was no idle phrase; that the force of discontent will not be allayed, until you take some large principle, until you act upon it consistently, and declare that to that principle you are determined to adhere, and that whether it goes to diminish the Established Church, or to raise up the Roman Catholic body, you are resolved to do what is just, and will take all the consequences that shall follow. My advice in this House was, that first you should take all the civil and political questions—that before you attempted to settle the religious questions, you should give civil and political equality to the Irish. My advice was not taken; the question of civil and political equality has been this Session entirely postponed, and other minor measures have been introduced; but still I think that would be the right course, and that you cannot expect the Roman Catholic prelates to be ready to enter into any arrangement before they are enabled to say, "We are not betraying any right of our lay fellow countrymen—they have every right that Englishmen have, and we are now only treating with respect to a subject in which we have no separate interest from the rest of our countrymen." This, therefore, is the conclusion which I draw from your measures with respect to Ireland. You have done well in abandoning all your former declarations—you have done well in withdrawing your opposition to measures which you formerly denounced and frustrated—but in not adopting some clear and large line of policy, your course has been defective, and it is well worth your while to consider in what manner you can amend those errors. I need not allude to various measures particularized in the Queen's Speech, which have not been introduced. There is that measure, with regard to which the Queen declared that it would be highly gratifying to Her if we would legislate—namely, that which was framed with the view of promoting the health and comfort of the poorer classes of Her subjects. On that important subject legislation has not been carried into effect; and, indeed, hardly a single stage of any measure on the subject has been moved. But I come to another subject, with respect to which I must likewise say that there is a good deal that is gratifying, while there is still much remaining to disappoint the expectations that may have been formed. I allude to the measures that were proposed to us by the Queen's Government, in con-

sequence of the Speech from the Throne, with respect to the finances and trade of the country. I was not one of those who thought that an income tax was rendered necessary by the deficiency of the Revenue to meet the public expenses. But this I was always ready to say, from the commencement, and I am more persuaded of it this year, that if an income tax was to be imposed, the right hon. Gentleman took a wise and comprehensive view of the interests of the State, when he combined the imposition of an income tax with measures to relieve the industrious classes from many of the taxes which pressed most heavily upon them, and liberate trade from many of its restrictions. With respect to this subject, certainly, the Government have more than fulfilled any expectations that we on this side could have formed. They have not fulfilled the expectations of those who thought they came in as a Government pledged to the maintenance of protection to native agriculture and industry; all those expectations of a great body of their supporters have been entirely disappointed. They have, on the contrary, clearly declared their adherence to those sound principles which all the greatest writers on those subjects have propounded, and which the greatest practical statesmen who have attended to them have acted upon. So far, therefore, as their measures and declarations go on some of these subjects, I think they have been benefactors to the country. But there are three subjects on which the Government of 1841 proposed to legislate, upon which their legislation falls far short not only of completely free trade, but even of that system of approach to free trade, by reduction of duties, of which Mr. Huskisson was the advocate. With respect to timber, for instance, they have left the great differential duties of 25*s.* on foreign timber, and 1*s.* on colonial. With respect to another article, that of sugar, they have adhered most unfortunately to the Resolution of 1841, and have kept on a prohibitory duty against the produce of certain foreign nations. Sir, we have urged that subject over and over again; but facts much stronger than any arguments we can use, have since confirmed our views upon this subject. We have had this year a proposition by Spain to carry into effect the Treaty of Utrecht, made in 1713. The right hon. Gentleman the Member for Newark, argued for two hours and a half to show that that Treaty was not in force. The greater part of his argument, I think, was founded on points which had nothing to do with the demand of the Spanish Minister—on which the Spanish Minister did not rest any part of his case, or upon facts which, if rightly looked into and examined, did not bear out his conclusions. But even supposing that all his conclusions had been right, and that the proposal of Spain in truth amounted to this—"We offer to make a Treaty now which shall be similar to that which we think was concluded between the two nations in 1713;"—I say all the dictates of wisdom should have induced you immediately to close with that offer. You should have said, "We will not argue with you. We will not go back to what James II. did in violation of his faith on this subject, as he violated his faith upon every other. We will not go back to what we did in the last century, or attempt to show that one party or the other did not conform to the letter of the Treaty; but we will form a convention now in plain, clear, terms, similar to those stipulations we have with many other Powers of Europe, by which we shall agree that Spain and England shall treat each other commercially on the footing of the most favoured nations." I think that is the only sort of commercial Treaty that is eligible—I do not allude, of course, to the Treaties of navigation—the only one that is worth having with any foreign nation—that you should not have differential duties imposed against your produce in comparison with any foreign nation. I am persuaded, if you have those terms, you need not be afraid of entering into competition on an equal footing with any of the foreign nations which may be your rivals. But your wretched policy of 1841, of placing a moral tariff on sugar, drives you to find every sort of far-fetched and fine-spun argument, by which you may defeat advantageous proposals similar to that of Spain, and injure the best interests of the country. And how stands the case as to Brazil? The right hon. Gentleman has not heard officially of the proposal to lay on 20 per cent. of the duties on foreign produce additionally, as against English produce and manufactures. At the same time, the merchants have an entire belief that such is the intention, and that there is an ordinance prepared, if not issued, to impose those ad-

ditional duties on the produce of England. Be that as it may, however, it is clear that on the subject of sugar, then, you have not carried into effect anything like a system of free trade. You preserve a duty, avowedly prohibitory, for the sake, as you say, of discouraging the Slave Trade, and distinguishing the consumption of slave-grown produce, but which, I believe, has not in the least degree that effect. That determination puts you on a footing of commercial enmity with Spain and Brazil, injuring the sale of the manufactures of this country, and endeavouring to carry into effect a prohibition which, I think, it is quite plain that in the end any statesman having the conduct of affairs of this country will find to be both unwise and impracticable. Thus, both on timber and sugar, you retain large differential duties. What have you done as to corn? With respect to corn, likewise, it was supposed that the Gentlemen opposite, having resisted in a body the Motion to go into a Committee on the Corn Laws in 1839 and 1840, were strongly in favour of protective duties, and even of the special law of 1828, as affecting the importation of corn. Yet although nine-tenths of the country were persuaded that that was the intention of the party opposite, their words at least have been very much better than were their then professions. After the elections of 1841 had been finished—after the adherents of the present Ministry had been chosen, either without a contest or by triumphant majorities, in order to support a new Government, which the farmers and the agricultural interest believed would firmly stand by the Act of 1828—a new law has been introduced, lesser restrictions have been imposed on the importation of corn, and their course in this respect has been altered. It has not only been altered with respect to the letter of the Act of Parliament; the security of protection has been shaken by the language which has been held by the Ministers of the Crown. They have held language quite inconsistent with the maintenance of their own Act, and the assurances then given to the agricultural interest of the maintenance of their laws have been like the sliding scale itself; as the duty sinks from 20*s.* to 1*s.* so have these assurances become—

"Small by degrees, and beautifully less."

So that in the present year there is far less security for the maintenance of the Corn Laws, than there has been in any previous year. We had a confession from the Secretary of State for the Home Department that the sliding scale by itself would cause considerable evils, and that it was necessary to prop it up by a fixed duty levied upon some part of the corn that would come in; and that as corn from Canada might be obtained under a fixed duty in May, June, or July, when the corn from the Continent was kept back waiting for a diminution of the duty, it was necessary to have a Canada Corn Act, in order to make the sliding scale bearable. Now, this is a confession of the total imperfection of the sliding scale—this is a confession that the sliding scale by itself would not answer its purpose, and that you are obliged to prop it up by the Canada Corn Act, framed on a principle totally different. The right hon. Gentleman the First Lord of the Treasury took away another argument for the sliding scale, on which the advocates of protection have always relied namely, that the labouring classes would be losers by the admission of foreign corn; because when bread was cheap, the wages of labour would be very much diminished. The right hon. Gentleman declared his belief was, that such would not be the case, and that the low price of bread and provisions was an advantage to the labouring classes. That which he thus stated to be his belief, was proved in detail by the right hon. Gentleman who sits near him, who showed that during the years of cheap corn you had not only had more comforts and better wages for the labouring classes, but you had, in consequence, less crime and diminished immorality. It is obvious, the case of the present Corn Law is greatly weakened by these admissions; but let us look to the foundation on which it has now to rest. Can any one have heard what has been passing within the last ten days without feeling the misery of an uncertain law for the import of corn? Can any body feel that there is a doubt whether the next fortnight will bring us a tolerably good harvest, or one miserably deficient, and not wish that the labouring classes of this country should be provided with food from all quarters from which it can be obtained? I maintain that it is the duty of this House to provide for such a contingency; but what is it you do? I admit

that, whether you have a small fixed duty or a completely free trade in corn, it must always be matter of deep anxiety whether the harvest should turn out to be favourable or unfavourable. That if there were now at this present moment a completely free trade in corn, and you were in doubt whether the harvest would turn out an abundant or a very short one, it would be impossible there should not be a very considerable amount of speculation; it would be impossible there should not be a rise in the price of corn, and fluctuations in the price to a considerable extent, dangerous with respect to the currency as well as the sustenance and welfare of the people. That I admit; but then that is a consequence for which the Legislature would not be responsible. I maintain, if you had either a fixed duty or a free trade, you would be sure of such supplies coming in as could be obtained. I think a fixed duty in such a case would only diminish the price at which the merchant abroad would sell the corn. But at all events, according to such a system, your legislation would be certain and uniform. There would be no doubt nor contingency as to the duty at which the corn would be admitted; but as the matter at present stands, there being the uncertainty of the seasons, there being the uncertainty of foreign supplies, you superadd, by your legislative wisdom, the artificial uncertainty whether a few weeks hence the duty will be 20*s.* or 1*s.* You thereby double the amount of speculation—you double the hazard to which the people of this country are exposed—you double the gambling in this article of necessary sustenance for human life. Then, Sir, is it wise to continue such a law—it is wise for a Ministry, who profess free trade, for a Prime Minister who makes it his boast that he has done more for free trade than any other Minister for a very long period of years — it is wise for him to rest upon a law which he must own to be so defective with respect, not only to all the principles of political economy, but all the other principles on which commercial transactions are usually based?—and then, to add to this uncertainty, we have Gentlemen continually avowing that they do not think the law will be permanent. We had only the other day a gentleman (Mr. Sotheron, North Wiltshire), who has been always a constant supporter, not only of the present Ministry generally, but especially of their policy as to the Corn Law and the sliding scale, avowing publicly that he did not think this law would last, and that two years would probably see the end of it. Why, when people hear that language used by a supporter of the Government, not one of those ultra-protectionists opposed to the right hon. Baronet, who might in a moment of discontent say, that he did not believe the Minister would support the Corn Laws, but one of their steady supporters, what can the farmers think but that it is a settled point that this law shall be abandoned? Well, then, I say, if it is to be abandoned, do not leave the country in this miserable uncertainty. Begin your next Session soon, begin it early, and begin it with a reconsideration of the Corn Laws. The farmers themselves must feel, even if they desire to have a large protection against the admission of foreign corn, and to have high prices kept up, that it is anything but desirable to have to treat with their landlords on the supposition that there is to be such a law, and then to find two years afterwards that there is no longer any such system, and that the whole is swept away. However much your proceedings may suit the political interests of parties, it can never suit the interests of the farmers. They cannot but wish to have something certain; and I am quite satisfied the most enlightened of them would much rather even see any evils that might fall on the country, by the sudden adoption of the measure proposed by my hon. Friend behind me, the Member for Wolverhampton, than be kept in this state of uncertainty, having doctrines preached to them that go to the destruction of the present system of Corn Laws, and yet have the Corn Law kept up, as an apparent protection, without any security that it may last another year. I contend, therefore, that while you have done much to make an approach to a system of free trade, still on the great articles of consumption, timber, sugar, and, above all, corn, you are keeping up restrictions contrary to every sound principle, and which it is impossible, if you believe your own theories, that you can mean to uphold. At this very moment, with respect to corn, the stock for the supply of the country is unusually small; I shall move, therefore, for an account of the quantity that is now in bond—it is unusually small in consequence of your own law. And let it not

be forgotten, when Gentlemen refer, as I have seen them sometimes do, with great satisfaction, to the failure of speculations in the foreign corn trade, that the consequences of a failure in those speculations are very often injurious not only to those immediately engaged in them, but to the whole country, manufacturers, commercial men, and agriculturists; that the indisposition to get together a supply, and lay up a store of corn on which the country can rely in case of a sudden failure of the harvest, is a national misfortune; that a law that tends to make the trade gambling and uncertain, is a loss to the agricultural interest as well as to all others, and that no law based upon such principles can be for the present or permanent advantage of the country. Sir, there is another subject upon which I wish to touch, as connected with the present Session, although no practical measures have been introduced with regard to it; because it fulfils two conditions which I have showed to be applicable to other subjects—that the Gentlemen opposite have taken a very different tone from that which they formerly took, and therefore great progress has been made in liberality, while, at the same time, much remains to be done. I confess that when I held office there were two subjects that gave me peculiar solicitude, and upon which I was anxious to carry some measures that might be of permanent advantage to the country. One subject was that of Ireland, upon which, immediately after the Reform Act passed, I looked as one on which legislation might now take a better course, and provide for the happiness of the people of that country. The other was the subject of education in England. I will not allude to any particular county, seeing an hon. Baronet opposite who was very much discomposed by a quotation which I made from the Gaol Reports with respect to his own county; but I will allude generally to the fact which appears by all the Gaol Reports, that there is a great proportion of the humbler classes of the people of this country to whom, in early youth, no instruction is imparted in the simplest rudiments of religion; that the name of God, the name of Jesus Christ even, are unknown to them from their youth; that no instruction is afforded to them by which they may guide their path through life, or may look to happiness hereafter; that the first information they receive upon these subjects is when they are sent to a gaol to satisfy the justice of the laws which they have infringed, and when they meet for the first time, in the person of the chaplain of the prison, with a religious instructor, who opens their minds to the divine truths of the Christian Revelation, and who points out to them the religious and moral duties which they ought to have performed, but of which they have never been aware. I have always considered this, so long as it has been brought before me, as a most melancholy fact, which, professing as we do that ours is a Christian country, is disgraceful to ourselves, its legislators. On looking at all the later Returns, I find but a confirmation of that which I observed many years ago. I was once struck by the case of a boy who was imprisoned for ensnaring a hare; the chaplain had examined him to know what his religious instruction was; he had received none whatever; he had never heard the name of Almighty God, and had never gone to a church, having been employed during Sundays by the farmer for whom he worked, along with the other farm servants, in cleaning the horses in the stable. I find, looking at some of the later Reports made by order of the right hon. Gentleman opposite, that a clergyman in one of the western counties stated, it was their custom that boys employed by farmers were not sent to school, but were kept in the stables on Sundays; and, therefore, were neither taught to read the Bible nor had any opportunity of attending the instructions of a clergyman, and the performance of divine service. It appeared to me, Sir, that we ought to make some further effort for the reduction of this amount of lamentable ignorance, and for the improvement of those unhappy subjects of our laws, before they become the inmates of a prison. It appeared to the late Government that we could do nothing more useful than to establish a Committee of Privy Council, which should superintend generally the distribution of grants of the public money intended to promote education, and which should likewise have the control of a normal school that was then proposed to be founded. Great objections were popularly stated to this normal school, chiefly, I believe, because the Roman Catholic children were to be allowed to read the Bible in their own version, and that part of the scheme was abandoned in the hope that the remainder

might be successfully carried into effect. But I never knew more fierce invectives, more virulent attacks, than were directed against the Government of that day, for the attempt which they thus humbly made to diminish the existing appalling amount of ignorance. When we said there were numbers of the humbler classes who were deplorably ignorant, who had no knowledge of religion, we were told of the dangers of Popery, of Socinianism, of latitudinarianism. The country was excited to opposition. ["Hear!"] Several of the Gentlemen opposite who call "hear," as I have said, indulged in more violent language than if we had been attempting to destroy the Constitution, or subvert the religion of the country. The right hon. Gentleman the First Lord of the Treasury, spoke, as usual, with more moderation and temper on the subject than his followers; but still he stated very strongly his objections to the measure we proposed. He said—

"Sir, I object to the plan of the noble Lord on three distinct grounds. First, that if it were the feeling that such a Board of Education should be appointed—and the reverse is the case—it should not be appointed in the manner proposed by a single vote of this House. My next objection is, that any such Board of Education should be so constituted as to be exclusively composed of Her Majesty's Ministers. Thirdly, I object, in reference especially to the children of members of the Established Church, that there should be an entire exclusion of the ecclesiastical authorities who are properly placed in charge of the religious education of the community."

Sir, I am happy to say that the right hon. Gentleman and his Colleagues have now got over those objections. I am happy to say, that in this case, as in many others, they have adopted our measures; and they have appointed a Committee of the Council on Education, consisting of Her Majesty's Ministers, holding office at the pleasure of the Crown. I am glad, likewise, to see, that not only is the education grant increased this year, but the right hon Gentleman has lately said it is to be still further increased; and also that this Board will have greater power of interference, and larger authority, than it at present possesses, or than we formerly proposed to give it. I rejoice at this symptom of improved views—I rejoice that the objections which were then felt, and so unjustly expressed towards us, have yielded to sounder theories, and that they are only waiting an opportunity to carry them out into larger effect. For my own part, I have no want of confidence in the noble Lord the President of the Council, or those who act as his Colleagues in this benevolent and useful task; but I think, likewise, there is more to be done, and other measures which the House may adopt. After the Board has acted for some years without any interference with schools throughout the country—which, by the way, we never proposed in the slightest degree by the former scheme, you may give the Board means of uniting with a control over sums granted from the public funds, some control over sums raised by charitable endowments, so as to make those endowments, which are at present inefficient, effective for the purpose for which they were devised. I think, likewise, you may do that which was then proposed, and was a great object of jealousy—I never could tell why—give gratuities, or retiring allowances, to deserving schoolmasters, and perhaps some other mark of honour. They are members of the community on whom much depends—no trade or profession is more important or arduous; and yet you can hardly get any man of superior understanding to stay in it ten years; because it is, in fact, one of the least honoured and regarded by the community. I trust, therefore, that the right hon. Gentleman will not be contented with what he has hitherto done. I think this grant of the present year is insufficient; and I hope that it will be much increased in the next. I certainly shall not raise to it any of that opposition by which we were formerly met. However entire may be my want of political confidence in those who sit opposite, I do not think so badly of them as to suppose that they would apply any of the funds intended for education in any way to promote party or political purposes. I believe they will apply them carefully and conscientiously, to promote the welfare of the community. Leaving this subject, to which I have deemed it necessary to advert, I must request that the Government, asking this House, as they do, to follow implicitly their dictates—asking their majority to vote for every measure they bring forward, and if by chance an adverse vote is given with respect to a part of any measure, asking them to submit to that which, to the feelings of this House, must be extremely repugnant, and rescind the vote, if it does not suit the convenience of Ministers—asking for this obedience, I

must demand of them, when they meet us at the commencement of another Session, to propound some principles on which they mean firmly to stand. My hon. Friend, who was far more favourable than I was to their measure of academical education, said, "If you think fit to adopt new principles, I shall be glad to see you sincere converts to those which we have always professed, and which you formerly opposed; but you must be consistent and sincere, and propose good measures accordingly." But this has not been the case. The very reverse, indeed, has been the case. We heard the other day from the First Lord of the Treasury a protest against the principles of the Roman Catholic prelates, when they said that a professor of anatomy might instil heretical opinions into the minds of his pupils, and lead them away from the Roman Catholic Church. But a few days afterwards, we heard from the right hon. Gentleman the Secretary for the Home Department, who had pointed out himself the danger and impolicy of having tests in Ireland, and the necessity of abolishing such invidious distinctions, and of upholding the most liberal principles—we heard from that right hon. Gentleman a few days afterwards a tone entirely changed, and he argued in this House that it was necessary strictly to maintain tests in the Universities of Scotland; and those, too, not any general tests as to a belief in the vital doctrines of Christianity, or the truth of revelation, but a test discriminating the Presbyterian and the Episcopalian, and even between one set of Presbyterians and another. It is difficult for the House, however willing to give their confidence to a Government, to acquiesce in such a course; and by diminished majorities the House of Commons has showed that it is somewhat ashamed—that it is aware it is hardly to its credit to vote for one set of principles to-day, and for another set a few days after. Then, if the Ministers ask so much—if the votes of Parliament must be always in accordance with their own opinions, is it too much to ask of them in return, before another Session shall begin, to settle among themselves in their Cabinet what shall be the principles of the Session?—whether the voluntary principle, or the principle of an Establishment — whether education without religious tests, or education confined to one form of Christianity? Unless they do this, they can hardly expect, however sure of their majority, that the people of this country will view with respect the decisions of their Representatives. The people of this country, whatever may be their respective occupations—one man seemingly absorbed in merchandise, another in farming, another in some profession, every one engaged in some one or other pursuit—have yet each man some certain set of opinions which he entertains, and which he would regret to see departed from. You will find that every man in this country is more shocked at a total want of principle, than at the maintenance of principles opposed to his own opinion. In that case, even if he differs from the principle adopted by a majority of this House, he bows to its decisions with respect. But if there be continual wavering and change, no fixed and settled principle governing the conclusions of this House, he can entertain nothing but contempt and dislike for the decisions of those whom he sees are led in one course to day, and in another, and perhaps a directly opposite course some short time afterwards. I therefore put in my prayer that next Session we may see some principles laid down which may be understood to be the principles of the Government. In this I am asking what would be very convenient, undoubtedly, for the minority who are in opposition in this House; but I am also asking that which would be no less for the advantage of the majority, whose position at present must be exceedingly puzzling. If any Gentleman were asked by his friend, for example, in relation to the Irish academical measure, if he were a supporter of Her Majesty's Government, he might answer, "I am; I am against religious tests in Universities; I think them useless; and I consider the Roman Catholic bishops a bigoted set of men for requiring the introduction of them in the Colleges Bill. Therefore, I support the Government on this question." But the friend of this Gentleman would probably be greatly surprised to see his name next week in the list of a majority voting for the directly opposite principle. Before I sit down, I wish to allude to a report which is current respecting a proceeding which I believe would be, so far as I know, without precedent in this country. Her Majesty, it is said, is about to leave these shores for foreign parts as soon as the prorogation of Parliament takes place. We formerly had Sovereigns who possessed dominions in Germany, and who were accustomed frequently to leave this country; but in such

cases a Council of Regency was always appointed. When George IV. visited his dominion in Hanover, Lords Justices were appointed during his absence. Now, Her Majesty, it is reported, is about to leave this country for three or four weeks, and it appears that no authority of this description is to be appointed, that the precedents to which I have alluded are not to be followed. It appears to me, that in this case, it would be the constitutional course that some depository of the power of Majesty should be appointed; and I do hope that it is not the intention of the Government to depart from the course invariably followed on former similar occasions. I cannot allude to this part of the subject without making one more reference to the situation of Ireland. Her Majesty having twice visited Scotland, it would have been most grateful to Her to be able to visit Her subjects in Ireland, who, I believe, are as loyal and affectionate as any part of Her people. But when an address was presented upon this subject, the answer which Her Majesty was advised to make was studiously ambiguous; and, as I understood it—though in that I may not be correct in my interpretation—implied a doubt on the part of the Ministers, whether Her Majesty would receive a welcome in that part of Her dominions. It would be painful to think, as King William IV. was prevented visiting the city, by those who were then his advisers, that Her Majesty should be hindered from visiting Her subjects in Ireland also by the advice of the Ministers of the Crown, from a doubt as to Her reception. I trust it is not on that account that the visit to Ireland has been postponed. I trust Her Majesty might rely—I think She might safely rely—upon receiving a cordial welcome, if She visited Her subjects in Ireland. Still it is impossible not to draw some inference from the very ambiguous expressions put into the mouth of Her Majesty, in answer to the Address of the Mayor and Corporation of Dublin. I am sure if Ministers perform their duty—if they conduct the government of Ireland in the manner it ought to be conducted, with a view to the welfare of the people—there can be no doubt of the Sovereign meeting with the warmest welcome from the people of Ireland. At all events, whatever may be thought of the advisers of the Crown, I feel assured, that, personally, Her Majesty might expect, and would receive, the most affectionate reception. With these observations I shall conclude. I have occupied the time of the House longer than I ought; but I have a precedent for the course I have taken, in speeches made in a very different spirit from that in which I have had the honour of addressing you—speeches intended solely to show the delay that had taken place, and the imperfections in measures that had been introduced by the Government of that day. It was much easier to make such a speech at that time, as there was then an unscrupulous opposition to the measures of Her Majesty's Government in this House, and a majority adverse to the Government in the other House of Parliament. But now, with a large and confiding majority here, and a large and confiding majority in another House, it is, notwithstanding, impossible for the Ministers of the Crown to say that they have brought all their measures to perfection, that they have not altered some, and have not abandoned others. I do not impute this as matter of blame to the Government. Some of these measures, it is true, might have been better considered prior to their introduction into Parliament; but I feel that the business of the House, combined with the duties of executive government, are so heavy, so harassing, so continuous, that there can be no wonder some measures are brought forward in a state in which they are not found fit to receive the sanction of the two Houses of Parliament. With respect to the attendance of Members of this House upon the business of the country, neither the Ministers of the Crown, nor Her Majesty, nor the people at large, have reason to complain. There has been a most assiduous attention on the part of the Members of this House to the public business, and a most assiduous attention also to the business of Committees in the investigation of railway questions, not affording the excitement and interest of political debates; but in regard to which this House imposed upon itself a rule, because they thought it their duty towards the public. Whatever, then, may be said of our political conduct, or of the trust we ought to repose in the Ministers of the Crown, I must say that so far as regards assiduous and laborious attention, both to public and private business, the House of Commons has exceeded—and you, Sir, must know that fact as well as any one here—any Parliament of preceding years. The noble Lord concluded by moving for—

"A Return of the quantity of wheat in bond on the 1st day of July every year since 1838;

and also for a List of the Public Bills which have passed a Second Reading, distinguishing those which have since become law, during the present Session."

Sir *J. Graham* said: The noble Lord has concluded a speech marked by his accustomed ability, and by some degree of bitterness. Certainly, as to the ability, I cannot hope to compete with him; with respect to the bitterness—[Mr. *Sheil* here made some remark.] I know not why the right hon. Gentleman interrupts me thus early in my address [Mr. *Sheil:* I beg your pardon]; I never interrupt the right hon. Gentleman when he is speaking. I was about to say, that not feeling any of that bitterness the noble Lord has expressed, I have no wish to return it. The noble Lord has concluded with a most harmless Motion, to which I can have no objection. The House may think it was hardly my duty to rise after the noble Lord on the present occasion; but he has dealt generally with domestic questions in which I have officially taken a large part, and from some of the topics to which the noble Lord has adverted, I think it my duty to offer some observations to the House. In the first place, I would observe, that I think it quite consistent with the position held by the leader of a great party, at the close of a Session like this, marked by the consideration of such important subjects, that he should pass under review the measures of the Session; and I have no complaint to make of his doing so, nor against the object of his Motion. Sir, the noble Lord has asked two important questions—he anxiously inquires in what way the Ministers of the Crown have performed their duties? and what is the general position of this country? He has said, that several measures of importance have been delayed during the present Session, and he has also adverted to measures which have been introduced and abandoned. The noble Lord has observed, that the abandonment of measures introduced is a mark of incompetence on the part of the Minister who so introduces and so abandons them. That observation does not apply to my Colleagues; it applies only to me, and is made in reference to the Physic and Surgery Bill. Now, I should certainly have thought, of all the measures that could be introduced into this House, which might be considered impossible to be drawn into the vortex of political conflict, this was the measure. I see behind the noble Lord the hon. Member for Kendal (Mr. Warburton) and the hon. Member for Lambeth—they will say, that it is not possible to undertake a task of more desperate difficulty than to legislate on this particular subject. They will not agree with the noble Lord, that the abandonment of a measure on that peculiar subject is a proof of incompetency to deal with great questions. I must say, I cannot conceive I failed in my duty; because, receiving representations from parties having conflicting interests in a question personally affecting their position in society, and their interests in other respects, I modified that Bill, or yielded a priority to measures that appeared of more pressing urgency. I may state also my conviction, that if time had permitted, I by no means despaired of the success of the measure. The noble Lord proceeded to advert to various questions, following the course of the Queen's Speech—first, as to foreign policy; next, as to questions of a domestic nature. With regard to the first branch of those questions—our foreign relations—I am happy to be able to concur with everything that has fallen from the noble Lord. He has congratulated the House and the country, that whereas at the close of last Session, there was a misunderstanding between France and England—now, happily for the peace of Europe and the world, and for the interests of this country and France, a good understanding prevails between these two great nations. I cordially agree with the noble Lord in his regret at the loss sustained by the departure of the able, accomplished, and amiable Minister of the United States (Mr. Everett). But that country, I am happy to state, will be well represented still by the highly esteemed Minister who has just arrived; and I am convinced, that in the negotiations pending between the two countries, there will be every disposition to maintain relations of amity. The noble Lord then proceeded to other topics: the first subject he referred to was the administration of the affairs of Ireland. The noble Lord alluded to renunciations of former opinions, and adverted to a hasty expression used by me some years ago in the heat of debate, of which, on more than one occasion, I have offered an explanation to the House, which I thought had been satisfactory. I feel a deep sense of responsibility with regard to that country; and if the noble Lord believes for a moment that my official conduct could be swayed by the feelings or opinions exhib-

ited in that hasty expression, he does me great injustice, the extent of which I hope is demonstrated by my public conduct. But the noble Lord also said much from which I cannot dissent. I think with him that the rule of the Government of Ireland ought to be equality of civil privileges, and impartial laws fairly administered. The noble Lord censures the Government for not having brought forward in the present Session some amendment of the Municipal Act, and of the elective franchise of that country, and that we have preferred other questions to these. Let the House remember that, at the close of last Session, Lord Monteagle, a former Colleague of the noble Lord, pressed in the strongest manner—and I may add in the ablest manner—the consideration of the question of the increased endowment of the College of Maynooth on the Government. The hon. Member for Waterford, also, in season and out of season—both when he was a Member of the Government, and when he was opposed to it, never failed to urge on the attention of the Legislature, the extension of collegiate education in Ireland, as a matter of primary importance. Her Majesty's Government have exercised their discretion as to the topics they should bring forward; and seeing, with respect to the elective franchise, that in another Session there would be time enough to consider it before it would probably be called into operation, we thought we were discharging our duty by giving a preference to the two questions we brought under the notice of the Legislature, and which we have succeeded in bringing to a successful termination—the endowment of Maynooth, and the establishment of larger means of academical education in Ireland. With respect to the Municipal Act, let me call to the attention of the noble Lord that at the time an alteration in the municipal franchise in Ireland was introduced by the late Government, we stated that equality and identity of the franchise in Ireland and in England, it was impossible to establish; but equality without identity with the franchise in England is possible. The Earl of St. Germans was the organ through whom we ourselves presented a Bill on the subject of municipal corporations in Ireland that did establish complete equality of the franchise with that of England. From that measure we have not receded; to that we have adhered, and are prepared to adhere. So also with respect to the elective franchise. We have argued that question, and have shown to the House, that with respect to the franchise in cities and towns in Ireland, equality does exist with the elective franchise in England; and that, if anything, the money value is favourable to Ireland, and that in Ireland the sum which is the measure of the franchise is lower, as contrasted with the sum in England. In counties great difficulty has existed. Doubts have been raised and entertained by courts of law with respect to the legal interpretation of what constitutes the franchise. We have stated our willingness to remove those doubts, and to establish an improved elective franchise in Ireland, which shall enlarge the basis of the constituency. We by no means recede from that assurance; and as with respect to the municipal franchise, so also with respect to the county franchise, there is no indisposition on the part of the Government to introduce measures which shall establish in Ireland perfect equality as contrasted with the franchise in England. The noble Lord next proceeded to advert to the Landlord and Tenant Commission. He did not blame the issuing of that Commission; but he censured the Government for not giving effect to the recommendations of the Commission, if they thought those recommendations satisfactory. I beg the House to remember that the Report of that Commission was not presented to the Government until after the commencement of the present Session of Parliament. I know not whether hon. Members have seen the evidence collected by the Commission; for, until a recent period, the whole has not been printed. It is most voluminous, but most worthy of attentive consideration. Several measures were recommended by the Commission; and the noble Lord has commented on the Bill which was introduced into the other House of Parliament by a noble Member of the Government. The machinery by which it was sought to give effect to the object in view, is a matter certainly open to comment and difference of opinion; but with respect to the object of the Bill itself, I do not think that in this House any objection can be entertained to it. It is admitted, that in Great Britain and Ireland, different customs prevail with respect to outlay on the part of the tenant. There are certain improvements, and certain necessary outlays, which in Great Britain are generally—I might say universally—borne by the landlord; but which in Ireland are universally borne by the tenant. A great hardship, there-

fore, exists whenever a tenant in Ireland is suddenly ejected, he having no claim for compensation on account of this outlay. It did appear to the Government, as it had appeared to the Commission, that some security should be given to the tenant in cases of ejectment, for obtaining compensation on account of outlays benefiting the landlord; but which compensation is now, neither by custom nor by law, secured to the tenant. It was, therefore, the object of the Bill in question, under certain safeguards and restrictions, to secure to the tenant that which he is most justly entitled to. The mode in which it was sought to effect that object might be open to comment and stricture; but the question as to the mode of effecting the object is one comparatively of detail, and not of principle. To the principle of the Bill introduced into the House of Lords, I most decidedly adhere; and should a similar Bill be discussed in this House, its principle is one which I feel confident can be advocated and defended with complete success. The noble Lord then adverted to the Maynooth Bill, and to the Irish Colleges Bill; and, considering that, in the general principle of those measures, the noble Lord entirely concurred, I was surprised, that after the ample discussion which they underwent, the noble Lord should have thought it expedient, on the present occasion, to revive topics of disagreement which have been urged with the most bitter hostility against both those measures. The noble Lord spoke of the inconsistency of the Government in proposing that in the new Colleges in Ireland (regard being had to the peculiar circumstances of that country) no test should be imposed on the teachers or students, while in Scotland, in reference to ancient Universities which had existed for more than a century in a particular form, and in conformity with a solemn national compact, the Government had felt it their duty to uphold existing tests. I will not now stop to reconcile that inconsistency; but I must say that, with respect to political decisions, various and conflicting circumstances naturally and justly lead to opposite political conclusions. The noble Lord then adverted to former differences which existed in this House in respect to what is termed the Appropriation Clause. I am really surprised that he should bring that topic forward; because I thought that he himself, and the Government to which he belonged, after trying for four or five years to enforce that principle, had deliberately abandoned it. The noble Lord now charges us with bringing before the House, and throwing into discussion uselessly, the great alternatives with respect to which, he says, the decision of the Legislature must sooner or later be given—namely, the question how you shall arrive at religious equality in Ireland—whether by endowing the Roman Catholic religion, and raising that religion to the level of the Protestant, or by abolishing the Protestant Establishment. With respect to the last alternative, I need not say that insuperable objections to it would be found both in the feelings of the people of England, and also in the feelings of their Representatives, as testified by their votes in this House. For myself, I cannot conceive any circumstances, at any time, that would induce me to advocate or consent to such a proposition. The abolition of the Protestant Established Church in Ireland would be such a shock to the rights of property in that country, and such a violation of the most solemn agreement—it would be so adverse to the feelings, and to the sense of right of the people of this country—that it would be a measure fraught with the utmost danger, and impossible to be carried, without open violence. With respect to the other alternative, it is not for me to argue that question now. I have repeatedly asserted, that to the endowment of the Roman Catholic clergy I personally have no insuperable objections; but I again repeat that to any such proposal emanating from the Government at the present time, and under present circumstances, I see the greatest possible resistance would be offered. No measure proposed by the Government involves the assertion of any such principle, which is left perfectly open to the future consideration of Parliament. I certainly am aware that the tendency of events in this country is necessarily to raise these important questions. I believe the solution of them with all their difficulties will be found almost impossible. I know not what may be in the womb of time; but I am quite certain that it is not the duty of the Government, having regard to the peace of this great Empire, to precipitate the discussion of these questions, or to urge them forward. The noble Lord says that the policy pursued with respect to Ireland has satisfied no party. I should regret the fact, if I admitted the truth of the assertion. The policy has been one of strict justice; yet, as it has

been meted out with an impartial and firm hand, amidst the conflict of the most angry passions and feelings in Ireland, this circumstance certainly does expose the Executive Government to the risk of satisfying, as the noble Lord stated, no party. It may not be possible to exhibit strict impartiality in suppressing the violence of two conflicting parties, without incurring, to a certain extent, the resentment and anger of both; but it is the firm determination of the Government, charged with the administration of the affairs of Ireland, steadily and firmly to persevere in a course of even and impartial justice, and to endeavour to secure to all perfect equality of civil rights. The noble Lord, turning from Ireland, discussed the question of education in this country. I think, next to the question of Ireland, in importance, is the question of the state of education in this country. The noble Lord has done justice to the Government with reference to their efforts to extend the benefits of education. Though our efforts may not have been successful to the extent which might be desirable, yet, since we have been responsible for the government, we have succeeded in doing much. On a former occasion, my right hon. Friend pointed out the great increase in schools which had been founded both in connexion with the National Society and the British and Foreign Society throughout the country. We have also extended the means of education for masters, and have planted excellent schools on the best models in various manufacturing districts, through the operation of the clause passed in the Factories Bill. That clause worked in a most satisfactory manner. The quality of the education was improved; and the effect of the general provisions of the Factories Act was to secure to a great body of children in the manufacturing districts, generally under twelve years of age, education under masters competent to teach them, for at least three days in the week, and for three hours during each of such days. I am happy to say that, concurrently with the operation of these measures, the progress in the decrease of crime is most encouraging. The noble Lord says, that legislatively we have done nothing with respect to the health and comfort of the working classes. It is my opinion, which I have often expressed, that their health and comfort are mainly promoted by securing to them the first necessaries of life. And here I come to a portion of the policy of the Government which the noble Lord commented on with justice, giving the Government credit for their acts and good intentions. The noble Lord referred to the great decrease made in the present Session with respect to the duties levied on all articles of raw material connected with our manufactures, and also on many articles connected with general consumption. I beg also to remind the noble Lord, in speaking of the health and comfort of the working classes, that a Commission has carefully inquired into the subject, and its Report has not only been taken into consideration, but has been embodied in a legislative form. There has been laid on the Table of the House, by a noble Lord a Member of the Government, a measure comprehensive in its nature, and intended to secure the health and comfort of the working classes, by local taxation on the property of the different localities. During the recess the Government will have time to give more consideration to the subject, and will be able with better effect to call the attention of the House to it early in next Session. To come now to the question of finance. The noble Lord approves of the imposition of the Income Tax, coupled as it was with the remission of duties on various articles of raw material which enter largely into our manufactures; but then the noble Lord says, that there are other measures which we ought to have introduced, but which we have omitted to bring forward. Now, I do think, that considering the labours of this Session, it ought to be borne in mind, that if we have been unable to introduce measures respecting the franchise in Ireland, up to the period of the Easter recess, the Income Tax expiring on the 5th of April, the time of the Government and of Parliament was mainly occupied in discussing the propriety of reimposing the Income Tax, and the remission of various duties. The noble Lord stated that generally he approved of the remission of duties and of the Income Tax; but then he referred specifically to three important articles with respect to which he differed from the measures which have been adopted by Her Majesty's Government. Sir, I am not at this period of the Session—almost its last expiring hours—about to revive all the debates which have taken place with respect to these articles; but I must be permitted to say with reference to the timber duties, that, as compared with the duties we found imposed on timber upon our coming into

office, it cannot be disputed that a great improvement has been made by the present altered rate. The duty on Colonial timber has been altogether remitted; the duty on Baltic timber has been greatly reduced, and much to the advantage of the consumer. The price also has been considerably lowered. The consequence has been an increased consumption, and we have derived a large revenue from Baltic timber, coincident with great relief to the consumer. This is the case with respect to the alterations in the timber duties. Then as to the subject of sugar: here, again, what is the working of the alteration with respect to the interests of the consumer? You may dispute the policy of our measure, and you may say that it was politically erroneous as well as morally defective, in making a difference between slave-grown sugar and sugar the produce of free labour; but practically it has been beneficial. Experience shows, that while the Revenue has gained, the consumer has also benefited materially by the alteration. Six months' experience—the experience of the last six months, which are not, be it remembered, the six months of the year in which the consumption is the largest—shows that an increase in the consumption has taken place approaching to 30,000 tons, instead of 20,000 tons, which would have been the half of the anticipated increase of 40,000 tons on the consumption of the entire year, and the sum yielded to the Revenue has increased proportionably; while the retail price of sugar has, since our measure was passed, fallen 1½*d.* a pound. With respect to the anticipations of the noble Lord of a defective harvest, the noble Lord has been alarmed by some mist that hung over the Surrey hills ten days ago, which perhaps gave a colour to the noble Lord's views on this subject; and I ascribe the Motion of the noble Lord very much to this particular topic of his speech. The noble Lord was probably actuated in making it very much by the particular apprehensions he felt with respect to the harvest; for he intimated that the prospects of this country at the present moment were gloomy, and I think he said almost unparalleled. Now, first, I must remark, that there are at the present moment in bond of foreign corn, wheat, and wheat flour, no less than 450,000 quarters. In the year 1839, when the noble Lord was responsible for the conduct of affairs, what was the position of the country in this respect? Was it similar to the present position of affairs, which the noble Lord says is unexampled? Allow me to remind the noble Lord, that on the 6th of August, 1839, there were in bond in this country only 51,000 quarters of foreign corn, whereas we have 450,000 quarters in bond now; and that, further, on the same 6th of August, 1839, there were in the Bank of England only 2,450,000*l.* in specie; whereas, at this moment, there are 16,000,000*l.* of specie in the coffers of the Bank of England. Did the noble Lord in 1839, at the end of the Session, such being the position of the country, come forward and propose any alteration of the Corn Laws? Did he come forward to do so at the end of the Session of 1840? Did he at the end of the Session of 1841? As a Member of the Government, and as a responsible Minister of the Crown, feeling deeply the situation of the country, with only 51,000 quarters of foreign corn in bond, and only 2,450,000*l.* of specie in the coffers of the Bank of England, did he come forward and propose a remedy by means of an alteration in the Corn Laws? No; neither then, nor in the immedately succeeding Sessions, did he propose any such thing. The noble Lord, however, has not refrained from remarking upon the delusion, as he called it, of our professions, and of our sliding scale, which he described as "small by degrees, and beautifully less;" but when the noble Lord so derided our sliding scale, had he no other scale, "small by degrees, and beautifully less," in his recollection? Was there not a proposition of an 8*s.* fixed duty, which fell down to 6*s.*, and then to 5*s.*; still getting "so small by degrees," to use again the noble Lord's quotation, "and beautifully less," that the noble Lord had great difficulty to persuade many Gentlemen on this side of the House, that he meant to give them any protection at all? Sir, I am fully aware, that with the rapidly increasing population of this country, the difficulty of supplying it with food must necessarily increase also; but I am happy to know that the increase of home grown corn, arising out of the improvements that have been made in agriculture, has been very great within the last few years; and at the present moment, when some persons are indulging gloomy anticipations as to the approaching harvest, there is the largest quantity of old home-grown wheat in store ever known at this period of the year. As regards the price, the average price of the last six

weeks, made up to the present day, is 49*s.* 11*d.* a quarter; and the average price of the week is considerably less than 54*s.* a quarter. I agree with the noble Lord that a bad harvest is a most severe infliction of Providence on any nation; but I must add that no legislation, however well devised, can secure any country from that calamity and its consequences; and I am not one of those who think that it is an evil of the existing law, that at a time when there are serious apprehensions that the harvest may be deficent, corn cannot suddenly be taken out of bond, but must be gradually brought to market with a duty decreasing as price increases; and thus, while a supply is secured, there is imposed on the consumer the necessity of caution and frugality. That is the operation of the present Corn Law. But so far am I from entertaining the apprehensions of the noble Lord, that I am still sanguine in the hope that no very great deficiency of supply and increase of price is to be apprehended. At all events, I do not think that at this period of the Session, the House can sanction any alteration of the Corn Laws, which have been discussed at great length in previous debates, and on which the opinion of the House may fairly be said to have been pronounced, and pronounced by large majorities. Before I sit down, I will advert to only one other topic, to which I think it my duty to offer a few words in answer to the noble Lord. He spoke of the possibility of Her Majesty's visit to Her Irish subjects; and he appeared to think that, from the answer which Her Majesty was advised to give from the Throne to the Lord Mayor of Dublin, some conclusion might be drawn that Her Majesty's answer meant to convey some doubt of the loyal reception which awaited Her in Ireland. Now, I think, that in deducing this conclusion, the noble Lord is either mistaking, or has forgotten, the terms of that answer. I am quite satisfied that Her Majesty felt that whenever she visited Ireland, she would be cordially received. Whatever may be the state of that unhappy country, and however torn by the conflict of angry passions, I am quite satisfied that whenever Her Majesty may visit that portion of Her dominions, Her presence would be the harbinger of peace; and that there would be but one cordial and ardent wish to greet her with loyalty and devotion.

Mr. *M. J. O'Connell,* as an Irish Member, wished to express his thanks to the noble Lord for having brought the state of Ireland under the notice of the House. He thought that the tone in which the noble Lord expressed himself towards Ireland would have a beneficial effect on that country, and he trusted it would have some effect on the Ministers. The Government ought not to have brought in a measure founded on the Report of the Landlord and Tenant Commission unless they were sure of making it effectual. The party opposite, after for ten years opposing the giving equality of franchise, were now ready to concede it; but their readiness now was of no more use to Ireland than their opposition was before. With respect to the Church question, he must say, though with no sectarian views, and wishing to live on terms of friendship and equality with his Protestant brethren, that it was a serious matter to leave that question unsettled for another year or two. Something ought to be done while there was yet time. He wished the Government to take no extreme, but a middle course; and he still thought they might succeed in allaying the religious animosities which existed in Ireland. He would not leave them until they became too formidable to settle without a collision and a certain exposure to all the mischiefs of party contests. When the Government appointed a Commission to inquire into the condition of landlords and tenants, they were warned that if they were not prepared to do something it would be better far to leave the evils of Ireland as they were. They did, however, give hopes that something would be done; but even the hopes of the most rational men had been most cruelly disappointed by the measure which had been introduced into the other House of Parliament. Not one of the Commissioners who conducted the inquiry had been consulted on the details of that measure; and it was well known that, out of five noble Lords and Gentlemen of different politics who belonged to it, no one had given his approval of the measure. Besides this, the Government was somewhat unfortunate in the selection of the individual who brought that measure forward. No one could deny his talent; his ability in debate was unrivalled; and that he was a good landlord there was evidence; but with all this he might be a bad legislator. That noble individual talked of the safeguards for the tenant, by which safeguards the tenant would just gain nothing; as, under the Registration

Act, the restrictions, the forms and conditions required from the tenant were such as to deprive him of all the benefit intended or professed to be given by the measure. He thought it would be worth while during the recess for the Government to prepare some really beneficial measure for the tenantry of Ireland, which should not be nullified by accompanying restrictions. By doing so, they would be able to deal with the question of the Irish franchise, which they never could unless they first settled that of the nature of the tenure of landlords and tenants. He hoped that next Session the Government would be able to carry out measures in the spirit of that of one which he had before expressed his approval. He did not over-estimate it, but he took it as an indication that they would do yet more. He hoped, indeed, that in the course of a few Sessions that House, whoever might form the Administration, would be able to congratulate itself that they had made some greater progress in the settlement of those questions, which, while they were troublesome to the House, were disgraceful to the Empire in the eyes of the civilized world.

Mr. *Plumptre* said, it was neither an unusual nor objectionable thing to review, at the close of the Session, the chief measures which had occupied the attention of Parliament. When the right hon. Baronet, at the commencement of the Session, introduced the Maynooth Bill, he (Mr. Plumptre) expressed his objections to that measure; and now that it had passed into a law, he was of opinion that it was no less objectionable. The more he considered that measure, the less was the satisfaction with which he viewed it. He could not avoid asking the question, had it given satisfaction to Ireland? Had it not been the means of dividing a great party in that country? They should not forget, that if it had been left to the decision of the usual supporters of Her Majesty's Ministers, it would have been lost. Of the usual supporters of Ministers, 152 voted against the measure, and 150 in its favour. If it had been left to the strength of the supporters of Government, it could not have been carried. The Statute Book was disgraced by having such an enactment; and next Session he should—though not with much hope of success—feel it his duty to do what in him lay to remove from the Statute Book that which the country considered to be a most obnoxious Statute. It would have been much better to have left the improvement of affairs in Ireland to the progress of public opinion. He did not know whether hon. Gentlemen were aware of what was going on in Germany; and what was taking place there might be expected to occur in Ireland. [The hon. Member read an extract from a book entitled, "The Apostolic Christian, or the Catholic Church in Germany," which detailed the proceedings of John Ronge with reference to the "Coat of Treves," and also contained the abjuration of the doctrines of the Roman Catholic Church by several citizens of Esterfield.] He read that extract because he thought, that if in Ireland they exhibited the same boldness and honesty as were shown in Germany, a far happier state of things would take place in that country than any such measure as the Maynooth Bill was calculated to produce. There were other subjects which at that late hour he was not disposed to detain the House by entering on. He had heard with satisfaction the statement of the right hon. Baronet the Secretary for the Home Department, that there was at the present time a larger quantity of bonded foreign corn in this country than in 1837, and also more home-grown corn than at that time. He was sorry to say, that in the county with which he was connected, wheat was considerably blighted. He would not enter upon any other topics, but conclude by expressing his regret that Her Majesty's Government should have brought forward some of the measures which they had thought it necessary to pass, as it was always with great pain he opposed the present Government.

Mr. *Moffatt* begged to call the attention of the House to two points which had been overlooked on the present occasion. The first related to the alteration which had been made in the Sugar Duties. The home consumption had increased, it was stated, 30 per cent. in consequence of the reduction of the duties; but the official returns made the increase 33 per cent. So far that was favourable to the principle of reduction. But, at the same time, notwithstanding the great increase of consumption, the revenue would be very much diminished—a consequence which might be avoided by opening our ports to the markets of the world. What was the practical result of that alteration? It improved the value of free-labour sugar, but it improved the value of slave-labour sugar at the same time. The arguments used against throw

ing open the trade was, therefore, at an end; for it appeared that the effect had been to stimulate the price of slave-grown, to discourage which was the professed object of the opposition to a more enlarged commercial policy. He therefore hoped, that next Session the right hon. Baronet would come forward and throw open all the markets of the world to British commerce. There now remained no pretext for refusing to do that. The other point to which he (Mr. Moffatt) referred, was one which had not at all received the attention of the House. He alluded to our trade with India and China. They were all aware of the advantageous results expected from the Treaty which Sir Henry Pottinger had effected, but they had not considered how these advantages were to be realized. Our trade with China, as compared with that of the last ten years, had increased 300 per cent. How were the Chinese to pay or to meet this increase of trade but by the article of tea? The Chinese had set us a liberal and wise example by throwing open their ports at a small rate of duty. They charged upon our importations only 10 per cent. duty, while we levied upon their tea a duty of 200 per cent. That was a system not calculated to maintain or extend our trade in that quarter. We have had in this country an increase in importations to the extent of 34 per cent. But how had consumption been forced? By a large depreciation of price at the cost of the import merchant. The consumption might, by a reduction of duty, be legitimately increased, to the advantage of the revenue and the benefit of the community. He trusted that these subjects would receive the attention of Her Majesty's Government during the recess.

Mr. *Villiers* said, that he thought, from the attention which had been given to the practical observations of the hon. Member for Dartmouth, that the hon. Member for Kent might satisfy himself that he was not, as he had said, out of place when he departed from his usual strain in giving the House useful information. The hon. Member for Kent should not either think that when he referred to such matters as the subsistence of the people, that he was stating anything foreign to practical Christianity. He apologized to the House for his allusion to the prospect of the harvest offered in the county of Kent. He would excuse him if he said that to this House and to the country, that part of his speech would have a far greater interest than his reference to his peculiar religious views, and that when he would give the House information connected with this subject, as he learnt them in his county, he would always command the attention of the House. He had stated a very important fact to the House, peculiarly so at this moment. He told them that the wheat was very generally blighted in Kent—a fact worthy the notice of the right hon. Secretary of State, who was at a loss to discover how anybody could feel anxious about the harvest. The right hon. Secretary wondered where the noble Lord had been living; he thought on the top of the Surrey hills, where, enveloped in some mist, the noble Lord had fancied that the harvest of this year might be deficient. Why, he might ask in return, where the right hon. Gentleman had been living, or what he had been reading of late? He should have thought that if he had communicated with any person in the street, or had read any of the ordinary organs of information, he might have explained the fears expressed by the noble Lord, for he would venture to say, that it was the universal topic of discussion at this moment in the country—that no two people met without exchanging their apprehensions on the subject; and that peculiar uneasiness was felt in consequence of the weather for the last few days. And why should the right hon. Gentleman be surprised when he repeated to-night what he said before, that one of the greatest curses that could befall the people, would be a bad harvest? By which he meant that an insufficient supply of food in the present state of the country, was one of the severest inflictions of Heaven. With those opinions of the right hon. Gentleman, which probably differed from those of some of his friends, why should he not think it worthy of thought, and why had he not met the grounds on which the noble Lord rested his fears, by some assurance that they were baseless? "If the right hon. Gentleman has no fear on this subject, he must have exclusive information. Why does he not communicate it—why does he not tell us that a bad harvest, with which we have been visited so frequently, will not recur? It is all important to the country, on account of that policy which places this country in the critical position of depending upon the hazards and accidents of a season in this small portion of the globe; and as this is the condition which at this time of the year we

are always placed in, and as it is wholly unnecessary, it does become intimately connected with any review of the proceedings of a Session to learn if anything has been done to relieve the country from so precarious a dependence. The right hon. Gentleman and the Government seem to be perfectly alive to the evils now which follow from dearness and scarcity; they are consequently alive to the blessings which attend the failure of the Corn Law. We are fresh from the experience of that law having failed in its purpose in raising price by limiting quantity; and the right hon. Gentlemen has been clear and complete in his acknowledgment of the great blessing which has attended that failure. The right hon. Gentleman has declared to this House that since food has been cheap and abundant, he had to congratulate the country upon everything which he would most desire to see—the people were contented, the country prosperous, and a great diminution of all those ills, moral and social, incident to a densely peopled country, which extend so fearfully when the usual disturbance occurs which attends dearness and scarcity. He admits that this has followed upon a good harvest. Is it unreasonable to ask if he expects that we shall always be blessed with a good harvest, and if not, if he has taken any precaution to prevent a scarcity of supply, the result of a bad one?" They were about then to separate with a perfect knowledge of the cause of past suffering and present prosperity—with a belief that the cause of prosperity was accidental, and with as perfect a conviction, he believed, that such prosperity need not depend upon accident; that their impolitic meddling with the trade was the occasion of all the doubt and danger that existed at this time. He had often complained at that season of the year of the House separating without doing anything to place the trade in food upon a solid steady footing; but never did he think it so entirely reasonable to do so as he did this year. Never was the experience so complete—never was the opportunity so good, of changing the law—never were the principles on which that law was rested more thoroughly discredited—never had measures based on the opposite principles been so completely successful. Circumstances and opinion had alike called for the change; and it was fair matter of observation and reproach, at the end of the Session, that nothing had been done towards it. He did not hesitate to say, that if all the measures that had been carried this Session had been postponed, and the community provided with something like security for a constant adequate supply of food, that more would have been done for the future happiness and prosperity of the country; and he would go further and say, that if the evil of a bad harvest were to occur again, that nothing that had been done of a beneficial kind during the Session, would be felt or appreciated; and he would apply that particularly to those great public works which they had been so assiduously engaged about this Session. And why had they been engaged in them? Why did they hear of so many? Simply because the people were prosperous, because there was a large available surplus of capital, because the annual income of the country was larger this year than it had been for years past. "But all these works being accomplished depend upon the continuance of prosperity; and if anything should occur to disturb our credit, or disturb our economical arrangements in this country, which invariably follows when the harvest is bad, then, I say, nothing but loss, and ruin, and suffering will attend those who have embarked in them; and it is well worthy the notice of those who have contributed to those schemes, that there is no instance where the price of food has risen, arising from deficient supply, that such undertakings have not been among the first to feel it and to suffer from it. To these works to which we have been giving our sanction, we have been showing our faith and respect for the principle of competition. There is not a line of railway that has been proposed, that might not be opposed on the same grounds that the proprietors of this country oppose competition in the market with their produce; and yet so little faith have we in monopoly when it does not profit some favoured interest, that let but any rival line show that the public can be served cheaper and better by a competition, and legislative sanction is instantly given to it." The proprietors of the country asked of that House to make them an exception to this principle; and they on that side asked why they should be excepted? How were they different from all other men? How had they shown that they ought to be trusted? Had they not frequently left the public deficient—had they proved that they had taken the best means that they should be properly supplied? Had they proved that those under them were happy and con-

tented? or had they recommended their system by any one circumstance? They were, however, to be excepted. He then asked of the Minister, with his views of the evils of deficient supply, what steps he had taken to prevent the recurrence of that calamity? They took the supply of food out of the natural operations of commerce. What did they substitute? "The Government support their party in this exclusive privilege of supplying the people with food. Have they taken any security that they will do it adequately? Can they give the country any assurance that what has happened before will not recur? Do they know that everything which skilful husbandry can accomplish has been done; that they are by common consent dealing with their properties in the manner most likely to produce an abundant supply of food? And if they do not, how can they justify the system? The public are well supplied with everything in which the law does not interfere. The case which we make is, that the same would happen with regard to food if commerce was allowed to be free. The case of the advocates of perfect free trade was, that the merchants, manufacturers, the capitalists of this country, would prove at the bar of the House that they could, by their united energies, supply this community with food as cheaply and plentifully as it was possible to be done. You trust them in everything else, you mistrust them when you don't succeed in any system you substitute, and when it is all-important there should be success." He said that their course was more dangerous now were it pursued, than it had been before, and one which could not with safety be persevered in. In former times, Governments had defended vigorously this system of protection. They deemed it essential, they fostered every prejudice connected with it, confirmed every fallacy, and encouraged the ignorance by which it was maintained, and they were consistent in their measures accordingly; but the present Ministry had done just the contrary—they had left nothing undone to prove the hollowness of their own principles of protection; they had introduced competition in everything else, and had declared themselves favourable to the application of that principle in everything but food; they had, in short, stripped the principle of protection of all its pretences of even indirect good, and had left it in full force where it was most severely tried, and where its failure was most fatal to the people. "Let it also be remembered that when the disasters of a bad harvest recur, that there will then be no mode of accounting for the ills it brings with it by any of those idle fallacies which have appeased the people before. The people have been taught by experience how false and hollow are all the things put forth to divert their minds from the real cause of their misery before. It will be impossible to tell the people that it was over-production that deprived them of employment, or too much machinery, or an over issue of money, or the cupidity of manufacturers, or the inability of exporting to foreign countries. They have seen that with the increase of all these things—more machinery than ever, more production than ever, more money than ever, more manufactures and more wealth accumulated, more hostile tariffs than ever—yet they have had better wages, more employment, and are generally in a better condition than before; and that there is no way of accounting for the improvement but by the restoration of our internal commerce and our usual consumption, and all the arrangements for production consequent upon the abundant harvests that we have had for two seasons past." He said, then, that when a period of distress recurred, from deficient food, that the causes of this mischief would be obvious to the humblest man, and that, therefore, the responsibility would be fixed much more distinctly upon a few than it had been before. A poor consolation to those who suffered; but it ought to be surely a matter of serious consideration for the political majorities of the two Houses of Legislature, that to them the public would justly turn as the authors of their calamity, in persisting in a course of which they had been so frequently forewarned and counselled against. He knew no persons who would have to share that responsibility with them but the electors of those great towns who, holding the franchise in trust for the non-electors, had preferred obeying the orders or pandering to the objects of the rich, rather than extending justice and protection to the poor and the powerless; and they would and must be, upon any occasion of confusion, justly and indignantly reproached for their breach of trust in returning Members to that House who, to serve the interests of a favoured class, impeded the commerce and restricted the supply of the people's food.

Mr. *Milner Gibson* would venture to doubt whether any oppression which it fell to the lot of the Irish to suffer, whether any infraction of the civil rights of any portion of the Empire, was greater than

the oppression practised upon this country by those who supported the Corn Law monopoly. The question of the Corn Laws was not second in importance to any question of civil liberty and equality in Ireland. It stood before them as a question in which the civil rights of the people of this country were concerned, and was a question very seriously involving their happiness and prosperity. Bills on physic and surgery, Bills for education and religion, were important in themselves, but the food of the people was the first and most urgent subject for their consideration. If they opened to the people of this country the markets of the world, they would educate themselves, and all the blessings which were anticipated from education would follow; but if they thought that they could elevate the moral condition of the people, while their physical condition was depressed, they laboured under a great error. As to the coming harvest, the anticipations regarding it gave rise to reflections which bore not on the present moment so particularly as on the whole policy of the system of the Corn Laws. A foreign corn trade was a legitimate pursuit, and the Government had no right to throw any obstacle or hindrance in its way. The present Corn Laws were most especially pernicious, because they were most calculated to prevent their having large stocks of corn held by capitalists, which would be their resource in the event of a bad harvest. Under a free trade in corn, they would have large stocks of corn held by merchants, who would receive corn as a regular commercial return; and the country would thus have a palliative and remedy for a deficient harvest. As to the article of indigo, they had in hand what was equal to a year's consumption, if there should be a sufficient supply; but what was their stock of corn? They had six days' consumption in bond. This was the state of things; and, for the purpose of making corn-growing more profitable to a certain class in this country, they persevered in what he must call a shabby and mean system. It was a humiliating thing to find the leading gentry in this country supporting a principle by which the people of this country were precluded from buying their food at any shop but their own, and telling them that this system was grounded on reasons of State policy. The Corn Laws were maintained for the purpose of swelling the emoluments of those who held land, at the expense of those who did not, and for preventing the manufacturer and the merchant from competing with the agriculturist; they were nothing but a monopoly, of an oppressive, a mean, unjust, and a shabby character. He was neither for fixed duties nor sliding scales, and he hoped that no time would be lost in abolishing entirely the duty on corn. The Corn Laws could not be maintained on the ground that they were necessary for State policy. The hon. Gentleman concluded by cautioning hon. Gentlemen opposite against telling the farmers that they had pledges from Ministers that the Corn Laws would be maintained. The Government were perfectly free to repeal the Corn Law next Session if they should choose to do so.

Mr. *Darby* said, that if the hon. Gentlemen begged of them not to go down to the country and say that the Government had pledged themselves to maintain the Corn Laws, he would, in return, request the hon. Gentleman not to say that Government did intend to alter the Corn Laws. The hon. Gentleman the Member for Wolverhampton said, he hoped the Ministers would declare their thoughts on this subject. He should have thought that the hon. Gentleman did not want to be enlightened on it. The hon. Gentleman dealt a great deal in prophecy, but he had never known one of his prophecies to turn out true. The hon. Gentleman frequently declared in 1841, that trade would never revive in consequence of the Corn Laws; whereas now he told them that capital was never so abundant, that production was never so great, and that steam engines were never so busy. Yet all this was done in the face of the Corn Law. The hon. Gentleman talked of the quantity of corn in bond, and made the starvation of the country depend on it; but he would ask the hon. Gentleman if he had ascertained the quantity in the country—did he know the quantity of free stock and the quantity of home-grown corn in the country at the present moment? The hon. Gentleman knew nothing of the subject, and he only hoped he would not alarm the country by his speech. He also had the pleasure of telling the hon. Gentleman that the glass was for some days rising. He had, he regretted to say, seen a sort of fiendish delight on the part of some at the bad weather. If they were to have bad weather, they must meet it with becoming resignation; but he could only pity those who rejoiced in it as a means of carrying out

their views with respect to the Corn Laws. His opinion was that, with bad harvests, this country would be ten times worse without the Corn Law than with it. Were it not for the Corn Law, such a breadth of wheat would not be sown in the country as was sown last year. He believed that merchants had been purchasing home-grown corn under the operation of those laws. In spite of the rain and the bad weather, corn was not so dear as the hon. Gentleman would have wished. If the views of the hon. Gentlemen had been carried out, the prospects of the country would be ten times worse than at present.

Mr. *Sheil* said, that he was sure that the hon. Member for Wolverhampton most sincerely prayed that all the arguments which he could adduce in support of his views, with respect to the Corn Laws, might not derive fearful corroboration from the calamities which would be inflicted upon the country by a bad harvest. The right hon. Baronet at the head of the Government had been seconded in all his efforts by a cycle of good harvests. He agreed with hon. Gentlemen who asserted that the Corn Laws were matters of paramount importance. Ireland, although the land of difficulty, should not entirely en gross the attention of the House. His noble Friend commenced with Ireland, and terminated with Ireland. That was not unnatural, because Ireland was a subject which pressed upon every public man, an exclusive subject of consideration not unfrequently in the Cabinet; and he was sure that there was no subject which engaged the solicitude of the right hon. Gentleman opposite more than Ireland, which did not now, however, present as pleasing a prospect as he could desire to have offered to his contemplation. He was not at that late hour of the night going into all the topics which had been adverted to by his noble Friend. But there was a measure of the Government to which he felt it his duty to advert, and it did the greatest credit to the Government that they passed it, and he trusted that they would make it a model measure. It was a measure which Her Majesty's Government might take as a pattern by which their future legislation in respect to Ireland should be regulated. It was a measure valuable in itself, and more so in view of the results to which it was likely to lead. With respect to their measure for academic instruction, he did not set the same value upon it as he did upon the Maynooth Bill. It would turn out not to be so satisfactory to the people of Ireland. The Government should have consulted the Catholic bishops, before they determined upon it; and he would take that occasion to tell them, that as long as they allowed Trinity College to remain in the enjoyment of a prosperity connected with Protestant ascendancy, so long would the Irish people be discontented with any system of education which the Government might devise, and so long would a suspicion of the intentions of the Government be entertained by the Catholics of Ireland. He had no doubt that the Academic Bill had been conceived by the Government from the very best motives, and with the very best objects in view; but he did not think that their intentions in this respect had been as prosperous in their execution as they were beneficial in their original design. They were opposed, as to that measure by the Catholic clergy of Ireland, and he was much afraid that their opposition would continue. He would now say a few words only upon the Registration Bill, not so much for the purpose of retrospective condemnation, as for the purpose of suggesting the course which, in his opinion, the Government should in future adopt. The registry in Ireland had almost disappeared. It was becoming "fine by degrees, and beautifully less." In the county of Tipperary, with its large population, the registry had fallen down to the small number of 4,000. In Waterford, with a population of 150,000, the registry did not exceed 500. And how had this state of things been brought about? Why, because the Government had kept the people in suspense on the subject ever since they had come into office. Men were careless or indifferent on account of this very suspense about the registry, because no man was sure that, after having placed himself upon it, his vote would remain upon the registry. These were great evils, and if the right hon. Baronet told his friends before he came into office, to "register, register, register," he must say that he should give them—his political antagonists—the opportunity of applying also that great instrument, of the effects of which the right hon. Baronet had had, so far as he himself was concerned, so favourable an experience. It was intimated that the object of the Bill in contemplation would be to put the two countries upon a footing of equality. Did that mean that the Govern ment had it in contemplation to restore the 40*s.* franchise in fee? They contem plated formerly a 5*l.* franchise; that was a

part of their former project. Such a franchise did not exist here. He did not want a restoration of the 40*s.* freehold for life in Ireland, for that was impracticable. What he wished to see established was a 40*s.* freehold in fee. If they were ready to give the Irish a franchise, embracing 5*l.* in fee, why not, on the same principle, give them one embracing a 40*s.* freehold in fee? Suppose a man had land worth 40*s.* for ever, and built a house upon that land, why should not that man have a vote? By giving such a franchise to Ireland, all the difficulties which arose from the 40*s.* freehold, as it formerly existed, would be set at rest. The Chandos Clause was to be deprecated. If they gave the tenant at will a vote, the tenant would, in times of tranquillity, be the mere slave and tool of the landlord; and in times of insurrection and disturbance, he would be found a fitting instrument for increasing confusion and perpetrating strife. They had it in their power to induce the landlords to make leases, by depriving the landlords who did not of a variety of advantages which he now enjoyed in the enforcement of rent. He believed that there was at one time an intention, on the part of the Commissioners, who investigated into the relations subsisting between landlords and tenants in Ireland, to recommend that the landlords be compelled to make leases. This they afterwards abandoned, thinking that it would be too great an infringement of the rights of property. If they took away the power of distress from the landlord—if they required him to give one or two years to quit—if they made him liable to account with his tenant, when improvements had been made upon his property, they would thereby embarrass tenancy at will to such an extent, that they would hold out the strongest inducements to the landlord to grant leases. Almost all the evils of Ireland arose from the one source of insecurity of tenure. He thought that to destroy this source by having leases granted for thirty-one years, would remedy half the evils to which the country was now subject. If leases for thirty-one years were adopted, the tenant would have the advantage of the capital, which he might employ in improvements, for a just and reasonable time, at the expiration of which period there need be no account with the landlord, much good would result; but if they adopted instead, the system recommended and proposed by Lord Stanley, they would do nothing but introduce fresh elements of confusion, which would assuredly add to the calamities of Ireland. He took the liberty of making these suggestions, with a view to the proper fashioning of the Bill, which the Government had it in contemplation, as it appeared, to introduce next Session. Ireland had reason to expect much from the Government, for they had made announcements with respect to the government of Ireland of the most important character. Indeed there were acknowledgments, if not promises, made by the right hon. Baronet the First Lord of the Treasury, which might be regarded as great political events. He had declared that it was of the utmost importance to conciliate Ireland—that Ireland could not be governed by force—and that in Ireland the efficacy of the trial by jury was not to be relied upon. These declarations on the part of the right hon. Baronet he regarded as equivalent to measures, because they were declarations which must be followed up. How were they to be followed up? He thought that it was a great misfortune to the present Government, and one of the chief sources, perhaps, of their difficulties, that eight millions of the people of Ireland were entirely beyond the pale of the patronage of the Crown. The patronage of the Church, and the patronage of the State, did not exercise any great influence over the great mass of the people of Ireland—600,000*l.* of the public property circulated amongst the Protestant ecclesiastics of the country. The patronage of the State was monopolized by the same class as monopolized the patronage of the Church. That was not the case under the predecessors in office of Her Majesty's present advisers. The patronage of the State was then distributed between Catholics and Protestants. Under the former Government they had a Catholic Chief Baron, a Catholic Master of the Rolls, a Catholic Attorney and Solicitor General, a Catholic Vice President of the Board of Trade—they had Catholic Lords of the Treasury—and several of the great offices in Ireland were filled by Catholics. In addition to this, the minor patronage of the Crown in Ireland was widely diffused between the adherents of the two creeds, and produced a signally beneficial operation upon the country. But what was the case now—what was the course pursued by the present Government? He did not find that a single individual, with the exception of his learned Friend Mr. Sergeant Howley,

a man of the highest merit, with this exception, he did not find that a single Roman Catholic had in Ireland been promoted to a situation of importance. An office at the disposal of Government, connected with the Board of Bequests, had been given to a Catholic, it was true; but that could scarcely be adduced as an exception to his charge. He now called upon the Government to fulfil the engagements into which they entered when they came into office—those engagements which they solemnly contracted when they said that between the Protestant and Catholic an equality should be maintained. Indeed, he believed that he was not misrepresenting the language of the right hon. Baronet opposite, when he reminded the House that the right hon. Baronet said, that if a Catholic and a Protestant were candidates for the same office in Ireland, he would prefer the Catholic. How had that declaration been carried out? It was to but a very small body of the Irish people that their patronage extended. He defied the right hon. Gentleman to contend that his declaration had been carried out; for the whole practice of the present Government with regard to State patronage in Ireland had been in direct opposition to it. Reference had been made to the ecclesiastical institutions of the country. He lamented the decision to which the right hon. Baronet the Home Secretary had come with respect to the Established Church in Ireland. Any man who looked at Ireland at the present moment, and saw the agitation, which had not yet subsided —the monster meetings, which were but the symptoms of the distemper, had ceased it was true, but the distemper itself was as virulent and active as ever—must most deeply lament the declaration of the right hon. Gentleman. He said nothing, however, on the important point of the conciliation of the Catholic clergy. He (Mr. Sheil) thought that there were means, which might be readily adopted, by which the State might expend money for the purposes of the Church, and yet preserve the independence of the clergy. He saw no difficulty in the Government granting money for the purpose of building churches, for purchasing glebes, and erecting glebe houses, nor did he see any in giving proper dignity and rank to the Catholic clergy. It was deeply to be deplored that the Government, when engaged with the Maynooth measure, did not make it larger than it was. They would not then have found that they would have had any more difficulties to encounter in carrying the measure—which he would not, on the whole, call a small one, but which, he contended, might and should have been made much larger—than they experienced with it in its present shape. The right hon. Baronet was conscious of all the difficulties with which he was beset; he ought also to be aware of the many and great advantages with which he was surrounded. In addition to the power which he could command upon other points, he possessed great power upon Irish questions, from the assistance and sustainment which he received from hon. Gentlemen on that (the Opposition) side of the House. He must also be aware of the circumstances which conspired to make him almost, as to these questions, omnipotent. Let him remember how the Catholic question was carried. It was carried by the impracticability of forming what was then called a Protestant Cabinet. In this respect the right hon. Gentleman was now in a similar situation to that in which the Government was placed in 1829. If he had determined to bring forward a larger measure of conciliation, and his party had abandoned him in so doing, and he and the right hon. Baronet the Secretary for the Home Department had resigned office together upon the subject, he (Mr. Sheil) believed that it would have been found impossible to form a Government on the principle opposed to that upon which the right hon. Gentleman had retired. That was their great source of strength, and they should have boldly and manfully acted upon it. Not long ago the right hon. Gentleman said that there was no sacrifice which he was not prepared to make for Ireland, with a view to confer peace and tranquillity upon that distracted country. He (Mr. Sheil) wanted no sacrifice of principle on the part of the right hon. Gentleman—he would exact no self-immolation from him. All that he wanted at the right hon. Baronet's hands was justice to Ireland, in its broad and legitimate sense, and that he should, in measuring out that justice to her, introduce measures to Parliament of which the failure would not be discreditable, and of which the success would be attended with the most beneficial results.

Motion agreed to.

TOBACCO TRADE.] Mr. *Sheridan* called the attention of the House to the petition of Richard and James Keynes, grocers of Shaftesbury, which had been printed, and

advertised, the circumstances of which they complained. It appeared that these persons, in prosecuting their regular trade, received a cask of tobacco which was regularly invoiced to them, and which had not been in their possession half an hour before it was seized by the Excise Officers, upon the plea that the tobacco was adulterated. The Report of the Committee on the tobacco trade, had shown the extreme difficulty that existed on the part of the most scientific and expert chemists to detect adulteration in tobacco; he thought, therefore, that this was a hard case, and he would move for a Select Committee to inquire into the subject.

Mr. *Cardwell* observed that the person from whom the petitioners had received the tobacco had been recently proceeded against by the Excise, and incurred heavy penalties. The suspicions of the Excise were, consequently, excited, and they made the seizure. They continued to be of opinion that the tobacco was adulterated. Not, however, suspecting any fraud on the part of the petitioner, they gave notice that it was not their intention to proceed for penalties, but that they could not allow it to be sold as genuine tobacco, and therefore should proceed for its condemnation. The petitioners had, therefore, everything that was necessary for the vindication of their character. As to the analysis, the difficulty of proof rested with the Excise. The officers of revenue had done precisely that which was their duty—they had prevented adulterated tobacco being innocently sold as genuine tobacco, and the petitioners had received every reparation which their character could require in being exonerated from the penalties.

Mr. *Hume* thought the proceedings in this case, as in all connected with tobacco, were most disgraceful, and such as could not take place in any other country. Persons whose families had been in the business for centuries were preparing to leave it, because an honest man found it utterly impossible to carry it on with any profit. The only remedy to be applied was a large reduction of the duty.

Motion withdrawn.

House adjourned at half past one o'clock, till Friday.

HOUSE OF LORDS,

Thursday, August 7, 1845.

Minutes.] Bills. *Public.*—2ª. Exchequer Bills; Consolidated Fund (Appropriation).

3ª. and passed:—Turnpike Roads (Ireland); Municipal Districts, etc. (Ireland); Naval Medical Supplemental Fund Society; Fees (Criminal Proceedings).

Petitions Presented. From Stratford-on-Avon, against Beer Houses, and for Restricting the Sale of Beer to Inns and Houses of Respectability.—From Members of the Society for the Emancipation of Industry, for a Committee to Inquire into the Effect of the existing Circulating Medium on the Wages of Labour.

Her Majesty's Visit to Germany.] Lord *Campbell:* I rise to put a question of great constitutional importance, of which I have given notice, to my noble and learned Friend on the Woolsack, connected with Her Majesty's approaching visit to Germany. No one in Her Majesty's dominions would wish to interpose any impediment in the way of that visit. There is no longer any foundation for the jealousy which induced Parliament to provide, by the Act of Settlement, that the Sovereign should not leave the kingdom without the consent of both Houses: we have upon the Throne a Queen born and bred in England, and fortunately without any foreign dominions which do not belong to the British Crown; nor is there now any reason to dread the meetings of Sovereigns, which it was formerly said, with too much truth, boded no good to their subjects. At the present day such meetings may have a strong tendency to preserve the tranquillity of Europe. It is perhaps to be regretted that George III., during a very long life and very long reign, was never out of England, nor indeed more than one hundred miles from the place of his birth; if he had visited the flourishing provinces on the banks of the Rhine, which Her Majesty is said to be going to survey, and had seen how harmoniously and happily men of different religions there live with equal rights under the same Government, he might have been less adverse to the emancipation of his Roman Catholic subjects. No one, therefore, can feel regret that Her Majesty, if she so wills, should for a short time be absent from England. If circumstances had permitted, I should have rejoiced could the Irish have had the high satisfaction which my countrymen have twice enjoyed, of seeing their beloved Sovereign among them. I do not presume to offer any opinion as to the expediency of deferring this visit, although I cannot doubt that Her Majesty would now be received in Ireland with universal affection and reverence, whatever diversity of opinion there may be respecting the conduct

of Her Ministers. But the subject of my question is the exercise of the royal authority during Her Majesty's absence. It has been declared by Parliament to be part of the privileges belonging to the Crown by the Common Law, that our Sovereigns may leave the realm at their pleasure; but, as far as I am aware, the invariable practice has been, that on going abroad they have provided for the exercise of the royal authority during their absence. In the early reigns, the great officers called the "Grand Justiciary" acted as Regent. When that office was abolished, a Regent or Lords Justices were named by the Sovereign on each particular occasion. But I come to the times subsequent to the Revolution. King Edward VI., Queen Mary, Queen Elizabeth, King James I., King Charles I., King Charles II., and King James II., till after his expulsion, never were absent from England from the time when they mounted the Throne. But after the Revolution, down to the reign of George III., cases of the absence of the Sovereign were frequent. King William III., as is well known, went abroad yearly to fight his campaigns, and to carry on his negotiations. While his Consort Queen Mary lived she acted in his absence as Regent; for although she was Queen Regent, yet the Act of Parliament passed at the Revolution prevented her taking any share in the Government. After her death he yearly appointed Lords Justices, the Archbishop of Canterbury, and the Lord Chancellor being placed at the head of the Commission, and the Princess Anne of Denmark, though the heiress to the Crown, not being included in it. The Session of Parliament was then brought to a conclusion in the spring, and the King generally announced his intentions in the following form:—

"The circumstances of affairs making it necessary for me to be out of the kingdom for some time, I shall take care to leave the administration of the Government, during my absence, in the hands of such persons as I can depend upon."

The prospect of the family of Hanover—possessed of foreign dominions—succeeding, induced the introduction of the clause into the Act of Settlement to which I alluded:—

"That no person who shall hereafter come to the possession of this Crown, shall go out of the dominions of England, Scotland, or Ireland, without consent of Parliament."

But this was immediately repealed on the accession of George I., the Statute 1 Geo. 1. c. 51, reciting—

"That it is agreeable to the ancient Constitution of these kingdoms, that the person of the King or Queen should freely enjoy all and every the just and undoubted rights, liberties, and privileges of the Crown."

Among which must be considered the power of leaving the realm at pleasure. George I. exercised this right in 1716, and intimated his intention of going abroad in his Speech at the close of the Session. He said—

"I design in the approaching recess to visit my dominions in Germany, and I have provided for the peace and security of the kingdom during my absence by constituting my beloved son the Prince of Wales guardian of the realm."

There afterwards arose an unfortunate misunderstanding between the Prince of Wales and the King, and on subsequent occasions the Prince was not so appointed, but the King always nominated Lords Justices. In 1719, George I. being about again to visit Germany, a Commission was issued under the Great Seal, by which thirteen Lords Justices were appointed, and the King made a declaration to the following effect in the Privy Council:—

"May 9, 1719.—His Majesty in Council this day declaring his intention of going out of the kingdom for a short time, was pleased to approve of the annexed draft of a Commission for the administration of the Government during His Majesty's absence. It is ordered by His Majesty in Council that one of His Majesty's Principal Secretaries of State do prepare a warrant for His Majesty's royal signature, in order to the passing of the said Commission under the Great Seal of Great Britain."

Another declaration a little varying from this, occurs in 1723:—

"May 26.—His Majesty in Council this day declaring his intention of going out of the kingdom for a short time, was pleased to nominate the Archbishop of Canterbury. &c., to be Lords Justices for the administration of the Government during his absence and Commission ordered."

On the accession of George II., as long as Queen Caroline lived, on the King going abroad, she was left Regent. I give, as an instance, the entry in the Privy Council books, May 16, 1735:—

"His Majesty in Council was this day pleased to declare that he intended to visit

his dominions in Germany; and that he had appointed his dearest Consort the Queen, to be Regent during His Majesty's absence."

A Commission to that effect accordingly passed the Great Seal. After the death of Queen Caroline, as often as the King went abroad, he appointed Lords Justices, like George I., and he usually announced his intention to Parliament. So things went on till his death; and I believe I may venture to say, that he never was absent for any period, long or short, without either appointing a Regent or Lords Justices. In the long reign of George III. it is well known that the Sovereign never was absent from England. George IV. went abroad once, and, I believe, once only, when the same course was pursued. I read the entry from the books of the Privy Council:—

"September 17, 1821.—His Majesty, in Council, was this day pleased to declare his intention of going out of the kingdom for a short time, whereupon the annexed draft of a blank Commission, for appointing Guardians and Justices for the administration of the Government during His Majesty's absence, was read at the board and approved. And his Majesty was farther pleased to declare and nominate the following persons to be the said Guardians and Justices, viz.:—Duke of York, the Archbishop of Canterbury, the Lord Chancellor, and other great Officers of State appointed."

Now, after these uniform precedents, from the most ancient times down to the present day, I humbly apprehend that Her Majesty should be advised to appoint Lords Justices to exercise the Royal authority during her absence from the country. I am not aware of any change of circumstances that can authorize a change of practice. Railroads, it is true, have been introduced; but railroads cannot alter the Constitution. Various circumstances may arise in which it may be indispensably necessary that the Royal authority should be exercised, and when there may be no opportunity for the personal exercise of that authority by Her Majesty during her absence. I may refer to the pardon of criminals, and other matters with respect to which great public inconvenience may result from the want of the exercise of the Royal authority. But there is another reason which makes it expedient, in my opinion, to appoint Lords Justices during Her Majesty's absence. I am a lover of limited monarchy, as the form of government which gives the greatest influence to enlightened public opinion, and as best calculated for the prosperity and happiness of this Empire. I should not like to see the Royal authority in abeyance for any period; and it seems to me inconsistent with the monarchical principle, that the country should be left for any period without the means of exercising the Royal authority, as occasion may require. Of course it is the prerogative of Her Majesty to select of her free will whomsoever she may choose to represent her, and to govern in her name. Dutifully and loyally expressing an ardent wish for Her Majesty's happiness while she is abroad, and for her safe return to her dominions; I conclude by asking the question, whether it is not the intention that Lords Justices should be appointed during Her Majesty's absence?

The *Lord Chancellor* acknowledged the courtesy of his noble and learned Friend in having given him notice of his intention to ask this question. He had not, however, given him notice of his intention to discuss how far going up the Rhine might have modified the religious and political opinions of George III., and he should not, therefore, enter upon that question. He would give a distinct and short answer to the question which had been put to him by his noble and learned Friend. It was not the intention of the Government to advise Her Majesty to issue a Commission appointing Lords Justices during Her absence while on the short tour She was about to make. On a former occasion, previous to Her Majesty's visit to the King of the French, the law officers of the Crown of that time, the present Chief Baron and the late Sir William Follett, were consulted on this point, and they were clearly of opinion, after considering the subject with great deliberation, that it was by no means necessary in point of law that such appointment should take place; and he had then entirely concurred with them in opinion. The opinion of the present law officers of the Crown had also been taken on the subject, and they were entirely of the same opinion; and he also, on a review of the subject, concurred with them that in point of law the appointment of Lords Justices was not necessary. The question, therefore, resolved itself into one of expediency; and in the present state of the country, and with the facilities of communication at present existing, it was considered equally unnecessary and inex-

pedient to issue such a Commission as his noble and learned Friend had adverted to. Her Majesty, as his noble and learned Friend had stated, had as free a right to visit the Continent as any of her subjects; and any act which She could do as Sovereign, would have as much validity and effect if done on the Continent of Europe as if done in Her own dominions. It should be borne in mind, too, that Her Majesty would be accompanied by a Secretary of State, and that she could return from the furthest point to which she was going in the short period of two days. It was, therefore, quite unnecessary that a Commission should be appointed to exercise the Royal authority during Her Majesty's absence. His noble and learned Friend had referred to precedents; but they did not appear to have any application to the present state of circumstances. In every instance to which his noble and learned Friend had adverted, the Sovereign went to the Continent for the purpose of residing for a considerable time.

Lord *Campbell:* It is stated in the Commissions that the absence from this country was to be for a short time.

The *Lord Chancellor;* Yes; in all the Commissions those words "short time," were introduced; but it was matter of fact and matter of history, that on all the occasions to which his noble and learned Friend had referred, the intention of the Sovereign (and that intention was carried into execution) was to remain for some considerable period of time on the Continent, or to transact there some matter of business, either military or civil, which might have extended to a considerable period of time. Let their Lordships take into consideration the actual condition of the Continent at that time, and the means of communication then existing. Most of the cases to which his noble and learned Friend had referred were cases of the Sovereign going to Hanover, a journey which at that time might have occupied eight or ten days. It was therefore necessary, under these circumstances, that, as a matter of convenience, some power should have been given to persons in this country to exercise some of the functions of Royalty during the absence of the Sovereign. His noble and learned Friend had talked of the Royal authority being in abeyance during Her Majesty's absence, unless Lords Justices should be appointed by Commission; but, as his noble and learned Friend had doubtless examined the Commissions to which he had referred, he must be aware that they were all subject to restrictions; and if he had looked to those restrictions, he would have found that they pared down the authority in so many important particulars, that it was in reality rendered merely nominal; so that upon all important occasions, it would be necessary to have immediate and personal communication with the Sovereign. Considering, then, the altered state of circumstances—considering that the tour which Her Majesty was about to take, was circumscribed in its limits, and would last but for a short time—considering, too, that Her Majesty was to be accompanied by a Secretary of State; and that communication between Her Majesty and this country would be most easy, whenever it might be necessary, it had been thought quite unnecessary to appoint such a Commission as his noble and learned Friend had directed their Lordships' attention to. It was on these grounds, that it had not been thought necessary to advise Her Majesty to go through the form of appointing a cumbrous Commission, really for no practical purpose.

Lord *Campbell* said, that his noble and learned Friend had entirely passed over the precedent of George IV., in 1821.

The *Lord Chancellor* said, he had not passed it over. That was a visit of six or seven weeks, at a time when the communication with Hanover occupied eight or nine days, and perhaps ten.

Lord *Campbell* would not longer argue the question; but would only observe, that his noble and learned Friend had not cited one instance in favour of the course which the Government proposed to follow, and which introduced an innovation in the practice of the Constitution.

Subject dropped.

House adjourned.

HOUSE OF LORDS,

Friday, August 8, 1845.

MINUTES.] BILLS. *Public.*—3ª. Exchequer Bills; Consolidated Fund (Appropriation).

Received the Royal Assent.—Apprehension of Offenders; Documentary Evidence; Granting of Leases; Outstanding Terms; Fees (Criminal Proceedings); Real Property (No. 2); Removal of Paupers; Borough and Watch Rates; Games and Wagers; Merchant Seamen; Commons' Inclosure; County Rates; Lunatic Asylums and Pauper Lunaties; Naval Medical Supplemental Fund Society; Taxing Masters, Court of Chancery (Ireland);

Fisheries (Ireland); Turnpike Roads (Ireland); Municipal Districts, etc. (Ireland); Lunatic Asylums (Ireland); Slave Trade (Brazil).

Private.—Received the Royal Assent.—London and Croydon Railway Enlargement; South Eastern Railway (Deal Extension); Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester and Grand Junction Railway Companies Amalgamation; Brighton and Chichester Railway (Portsmouth Extension); Brighton, Lewes, and Hastings Railway (Hastings, Rye, and Ashford Extension); Eastern Counties Railway (Cambridge to Huntingdon); Grimsby Docks; Winchester College Estate; Marsh's (or Coxhead's) Estate; Earl of Powis's (or Robinson's) Estate; Sir Robert Keith Dick's Estate; Follett's (or Molyneux's) Estate; Lutwidge's (or Fletcher's) Estate; Bowes' Estate; Birmingham Blue Coat School Charity Estate; Severne's Estate: Duke of Bridgewater's Trustees' Estate (Archbishop of York's); Sampson's Estate (Ward's); Marquess of Donegall's Estate; North Walsham School Estate (Lord Wodehouse's); Shuldham's Divorce; Boileau's Divorce.

Petitions Presented. From Inhabitants of Kettering, in favour of the Field Gardens Bill.

HOUSE OF COMMONS,

Friday, August 8, 1845.

Minutes.] New Writs. For Belfast, *v.* Sir James Emerson Tennent, Chiltern Hundreds.—For Cirencester, *v.* William Cripps, Esq. Commissioner of the Treasury.—For Linlithgowshire, *v.* Hon. Charles Hope, Governor of the Isle of Man.—For Borough of Warwick, *v.* Sir Charles Douglas, Commissioner of Greenwich Hospital.—For Sunderland, *v.* Viscount Howick, now Earl Grey.

Bills. *Public.*—1°. Poor Removal; Waste Lands (Australia) (No. 2).

3°. and passed:—Silk Weavers.

Private.—Reported.—London and York Railway (Sheffield Branch).

Petitions Presented. By Sir H. Douglas, from Liverpool, for a Change of Policy towards New Zealand.—By Mr. Hindley, from Ashford, against Charitable Trusts Bill.—By Mr. Hindley, from Factory Workers employed in several places, in favour of the Ten Hours System in Factories.

Silk Weavers.] Sir *G. Clerk*, in moving the Order of the Day for resuming the Adjourned Debate on the Third Reading of the Silk Weavers Bill, observed, that the debate on this question had been adjourned, as it seemed to be doubted whether silk weavers came properly under the Arbitration Act. There could be no doubt that they did, as the object of the Arbitration Act was to extend to the silk trade, the provisions of that Act. The object of this Bill, therefore, was to introduce some few amendments into the silk trade, which had been introduced into the hosiery trade. That a bargain and contract between master and workmen should be reduced to writing, and a copy kept by each. The Bill met with the approbation of all the workmen, and many of the principal masters. It would prevent the litigation formerly so prevalent between those parties. He hoped, under these circumstances, the House would pass the Bill.

Bill read a third time and passed.

Waste Lands (Australia).] Mr. *G. W. Hope* trusted that he would be permitted to move for leave to bring in the Bill relative to the Waste Lands of Australia, of which he had given notice. His only object in so doing was to have the Bill printed for circulation, in the form in which it was proposed to have it amended had it gone into Committee. He was anxious, by now bringing it in, to place it in its amended form before the House and the public.

Motion agreed to. Bill brought in, read a first time, and ordered to be printed.

North American Boundary Line.] Sir *Howard Douglas*, referring to the Papers recently laid before the House, explanatory of the proceedings of the Commission under the direction of Lieutenant Colonel Estcourt, engaged in laying down the Boundary Line, as established by the Treaty of Washington, between the British Provinces of Canada and New Brunswick, and the United States, would take that oppportunity of expressing, in strong terms, the satisfaction with which he had read those proofs of the ability, intelligence, and energy, displayed by Lieutenant Colonel Estcourt and his party, in exploring, cutting out, tracing on the ground, and determining, astronomically, the several portions and stations of a frontier, extending over no less than 526 miles, in great part through the virgin tangled forest; by which uncommon exertions, and extraordinary activity, that important service had been so far effectually executed, as to show that it would speedily be brought to completion; and thus evince the real economy of having provided that intelligent, scientific, and excellent officer, with a staff, and means of execution, sufficient to enable him to act with his well-known intelligence and vigour.

New Zealand.] Mr. *J. A. Smith* asked whether the right hon. Baronet had any objection to lay on the Table, before the House separated, the recent correspondence between the Colonial Office and the New Zealand Company? He trusted he might be permitted, to express the great satisfaction he felt that the term was

approaching to those very disagreeable discussions which had lately taken place between the Secretary for the Colonies and the Company. It was certainly true that the whole had not been obtained which the Company thought to be their right, and also to be essential to the good government of the Colony of New Zealand; but he could not forget that, after what had occurred, a certain degree of sacrifice on both sides was necessary, and he did hail with great satisfaction the tone and temper exhibited by the Colonial Office in these transactions; and he thought that that tone and temper were more important than the results themselves. He, therefore, begged to thank the Government for the part they had recently taken in this matter. He was exceedingly glad to find that, with the power with which the noble Lord at the head of the Colonial Office was armed, he had felt how graceful any concession must be coming from him. Before he sat down, he must advert to one point which had purposely been left by the Company till the close of these discussions—a point which was important to the Company here, and not without its importance to the prosperity of the Colony—he alluded to the application which had been made by the New Zealand Company for a loan of money from the Government on the security of their land. He was perfectly aware that the application must be considered by the Government on public grounds, and he was perfectly willing that it should be so considered; but, at the same time, he hoped the Government would state that the application should receive consideration without delay, and would also answer it without any greater delay than necessary. He thought the conduct of the New Zealand Company in this matter was a proof that their more immediate interests had been postponed to what they considered as more the interests of the public; and that would be an answer, he hoped, and the best answer, to the taunt that had been thrown out, as to a cross having taken place between the Government and the Company. He begged to add, that the success of this application was indispensable, to enable the Company to resume its operations as a colonizing body; and indispensable, in his opinion, to the harmonious working of the arrangement which had just taken place.

Sir *R. Peel:* I do not think it necessary for me to assure the House, that the recent harmonious understanding between the Colonial Office and the New Zealand Company, must have been to me a subject of great satisfaction; but I am bound to state, and I do thus publicly state, that whatever credit is due for these improved relations, must be given to my noble Friend. I said some time ago, that whatever might be the differences between my noble Friend and the New Zealand Company, it would be found that my noble Friend was not influenced by them. I am certain that my noble Friend's past conduct in this matter, was guided by public considerations; and I am certain that his future conduct will be guided by public considerations also. The correspondence that formerly took place between him and the New Zealand Company, would not, I was sure, have the slightest influence on his mind, or prevent him from dispassionately taking into view the whole circumstances of the case; and in all that I formerly said on this subject, I spoke with the entire concurrence of my noble Friend. For the purpose of conducting the late negotiations, a gentleman was nominated, who has not been mixed up with these transactions; and was, therefore, enabled to take a more dispassionate view of the whole case—I allude to that most distinguished public officer, Mr. Lefevre. He was called on to assist my hon. Friend near me, the Under Secretary for the Colonies, in this negotiation; and he was employed by my noble Friend, in concert with my hon. Friend, to conduct the arrangement which has just been completed with the New Zealand Company. With respect to the general allusion which the hon. Gentleman who has just sat down made to the satisfactory conclusion of these negotiations, it confirms that which I stated from the first, that my noble Friend was acting, in all that he did, only on public grounds. With respect to the charge, that a "cross" had taken place between the Government and the New Zealand Company, I think that no man, who is acquainted with the respective parties, would imagine such a thing could be possible. No secret understanding of any kind has been entered into, on the part of the Government, with the New Zealand Company. If any such proposition had been made to my noble Friend, it would have met with an indig-

nant refusal. As to the application for a loan, the hon. Gentleman must excuse me if I decline to give him any definite answer. If he asks me, if the application shall receive the consideration of the Government, I have no difficulty in assuring him that the Government will give an early consideration to the subject; but the consideration of a thing by the Government, is generally understood to mean a favourable consideration. Now, I cannot say anything of that kind. The consideration that the Government will give to the subject, is not to be understood as being fettered in any way. Of course, nothing could be done without the consent of Parliament. If the Government came to the conclusion during the recess, that the loan ought to be granted, they could only give an assurance subject to the consent of Parliament; they could give no conclusive answer, unless with the concurrence of Parliament. The hon. Gentleman must excuse me, therefore, if I do not answer that question. The Government cannot be understood as being fettered in any way; at the same time, the hon. Gentleman must not draw any conclusion unfavourable to the application, from what I have stated.

Subject at an end.

The Dismissal of Mr. Watson.] Colonel *Verner* said, he should not be discharging his duty to the Protestants of Ulster, if he did not put a question to the right hon. Baronet, to know whether the report was true, as stated in the papers, that Mr. Watson had been deprived of the commission of the peace and the situation of a deputy lieutenant of the county of Antrim, in consequence of taking part in an Orange procession on the 12th of July last?

Sir *R. Peel* said, it was true that the Lord Lieutenant of Ireland had felt it to be his painful duty to remove Mr. Watson from the commission of the peace and the deputy lieutenancy. That report was correct. In 1837 (he thought it was) the House of Commons resolved to present an Address to King William IV., praying him to adopt all the necessary measures for the purpose of discouraging Orange societies. That Address was presented to the Sovereign, and a solemn promise was made by the Sovereign that every measure in his power for the purpose of discouraging Orange societies should be dopted. That was the obligation that had been contracted by the Crown. He (Sir R. Peel) understood that this gentleman, who was of the highest respectability, not only had interfered in an Orange procession, but had (being a magistrate and deputy lieutenant) signed, as chairman of a meeting, resolutions which stated that the time was come when Orange institutions ought to be reorganized. On this, bearing in mind the sentiments expressed in the Address of the House in 1837, and bearing in mind the reply of the Sovereign, that the whole power of the Government should be employed for the purpose of discouraging Orange societies, Her Majesty's Government had found it to be their painful duty, in fulfilling the assurances that had been given from the Throne, to acquaint Mr. Watson that he could no longer continue in the commission.

Colonel *Verner* said, that as the answer of the right hon. Baronet was not satisfactory, he should move an Address to the Queen, on the subject of the removal of Mr. Watson next Session.

Syria.] Viscount *Palmerston:* I gave notice of my intention merely to make some observations upon the affairs of Syria, believing that there would be some Motion before the House to which my observations might be appended; but as I now find that there is no Motion before the House, it is necessary for me to make a specific Motion, for the purpose of enabling the right hon. Gentleman to make such statements as he may deem proper; and, therefore, with the permission of the House, although I have not given notice of my intention to do so, I shall move that an humble Address be presented to Her Majesty for copies or extracts of correspondence relative to the affairs of Syria, in continuation of those already presented to the House. It is not my intention to occupy for any length of time the attention of the House; but, it is my wish, before Parliament separates, to draw the attention of the House and of the Government to two points which are embraced in the Papers that have been laid before us. The House is aware that when, in 1840 and 1841, the Allies thought it necessary to take steps to restore Syria to the direct authority of the Sultan, that part of Syria which is commonly called "The Mountain," which, in fact, consists of the highlands of Lebanon, was governed by the late Emir Beschir Shebab. He was

then enlisted in the interests of Mehemet Ali. He was summoned to return to the allegiance of his proper Sovereign; and delays occurring in his compliance with that summons, a specific time was named, within which he was to return to his allegiance, or to be deposed, and have a successor appointed in his room. The late Emir Beschir did not comply with that summons made to him in the name and authority of his Sovereign. He was deposed—and deposed by British officers, acting under authority given to them by the Sultan; and in his stead was appointed a relative of his, the late Emir Beschir el Kassim, who was then holding no public situation, but living at the head of his clan and family. The Emir Beschir el Kassim continued to exercise the authority belonging to his appointment for, I think, something rather more than a twelvemonth; but in the beginning of 1842, or at the end of 1841, in consequence of the civil war that broke out between the Druses and the Maronites, the Emir Beschir el Kassim was besieged in his residence at Deir-el-Kamar. He was called down by the Governor of Sidon, was found to be incompetent from age and infirmities to carry on the difficult government of the Lebanon, was deposed, and was afterwards sent to Asia Minor. On his passage from Deir-el-Kamar to Beyrout, in obedience to the orders of the Turkish Governor, he was plundered by the Druses of all the property he had intended to carry with him, and his own house, with all that was in it, was afterwards burnt by the Druses. The Emir Beschir el Kassim claims from the Turkish Government payment of his salary for the period during which he administered the affairs of the Lebanon. He claimed also compensation for losses by the plunder to which he was exposed in his journey down to the coast, and for lands of which he had been deprived when the disturbances took place. These claims were admitted to be, to a certain extent, founded on fair and just grounds. In the firman given to him, it was declared that a grant should be made to the amount to which he is entitled. Although his claim is thus admitted, yet he has not been able to obtain any payment whatever. Now, I consider that the British Government is bound in honour to see that claim discharged, at least such part of it as can be properly substantiated. It was by officers of the British Government, acting under the authority of the Sultan, that he was induced to accept the appointment of Emir Bechir. In accepting it he certainly rendered an important service; in consequence of taking that appointment he suffered greatly; and, therefore, care ought to be taken that he should receive just compensation. If he had remained a private individual, in no commanding office, he might, in all probability, have retained possession of the property of which he was master at the time. I must say, that on the perusal of the last set of Papers which have been laid before Parliament on this subject, it does not appear to me that Her Majesty's Government have shown the energy which they ought to have displayed in obtaining for this individual the compensation to which he has just claims. After a long correspondence, an instruction has been given to our Ambassador at Constantinople by no means sufficient, considering the just influence that in this matter we are entitled to exercise. The instruction I refer to is dated January 29, 1845:—

"With reference to my despatch of the 20th July last, I transmit to your Excellency herewith a copy of the letter which he has addressed to Sir Charles Napier, complaining that the firman for his indemnification, a translation of which was contained in your despatch of the 31st December, 1843, has not been carried into effect. I have to instruct your Excellency, should the statements contained in the Emir Beschir's letters prove to be correct, to take such measures as to you may seem most likely to induce the Porte to carry out the terms of the firman in question."

In a matter in which the honour and good faith of the British Government are engaged, it is not enough to tell our Ambassador that which he is bid to do here; the British Government should have sent to Sir Stratford Canning a decided note to be presented in their name, calling upon the Porte to do that which they were justly entitled to expect the Porte would do. That, then, is the first point. It does not appear to me that the British Government have taken with sufficient energy measures to fulfil those engagements which it and the Porte are bound to fulfil. More efficient instructions ought to have been sent, or an urgent note might have been sent to the Ambassador; and not these vague and loose instructions which the British Government have been content with giving. The larger subject is the unfortunate condition in which Syria has of late been placed. I am quite aware that this is a matter attended with considerable

difficulty. It is by no means a simple affair. On the one hand, the Government of England, and the Governments of Austria, Russia, and Prussia, who were parties with England to the operations in 1840 and 1841, entered into certain engagements with the people of Syria, which it is essential to their honour to see fulfilled; and, on the other hand, it must be admitted that the fulfilment of these engagements involves a departure from the ordinary rules which guide Governments in their relations with other Powers; because there is not any thing more at variance with international obligations, than that one Power should interfere with another in regard to the manner in which that Power treats its own subjects. It is only in consequence of special circumstances connected with the operations in Syria, that we have a right, or are obliged, to address ourselves to the Sultan with regard to the affairs of Syria. We did contract engagements there which we are bound to fulfil. The object of the Four Powers and of the Sultan, in 1840, was to induce the people of Syria to take up arms against the usurped authority of Mehemet Ali; to declare in favour of their legitimate Sovereign, the Sultan; and to return to that direct allegiance to him which was due to him as their supreme monarch. To effect this object, the Allied Powers had recourse to two methods. First, the Syrians were supplied with arms; and then inducements were held out to them to employ those arms in the service of the Sultan. These inducements consisted in certain promises made by the Sultan, and guaranteed by the Allied Powers. The Sultan's promises were not made through the Turks, but through British naval and diplomatic officers, specially authorized and empowered by the Porte to make these promises; which were, that if they returned to their lawful allegiance, and assisted in expelling the army of Mehemet Ali, they should be relieved from the oppressions they had for several years suffered, and their liberties and privileges should be restored to them. Now, as that has not been done, on that ground the British Government is entitled to take further steps, and, in my opinion, is bound to take those steps. The position of Syria is a very peculiar one. It is not a mere province—it is not inhabited by one race alone, nor by people of one religion alone. The people in the central part of Syria, commonly called the Mountain, the highlands of Lebanon, consist of two different races, professing different religions. First, there are the Maronites, who are a sort of Christians; and, on the other hand, there are the Druses, a sort of Mohammedans; not that they actually belong to the Mussulman faith, but having a faith peculiar to themselves, are yet considered by the Turks as nearly allied to the Mussulman belief. These two races are not separated by any distinct geographical distribution. It is not that in one part of the Lebanon Maronites are to be found, and that the Druses are inhabitants of another. They are not parted from each other as the people of Westmoreland are parted from the people of Cumberland; nor is there any well-defined local distinction in situation between them. The two races are intermixed, though in one part the Maronites predominate, and in another part the Druses. There are portions wherein the Maronites may be found as the proprietors of the soil, and the Druses as the serfs or peasants; and there are others in which the Maronites stand to the Druses in the position in which peasants stood to their lords under the feudal system. In fact, the whole of Syria is organized on the system of a feudal constitution. That system existed when the Emir Beschir was in authority, and the whole country was governed by an officer bearing that title. This created difficulty; for if one man governs the whole province, and if he be, as for a long time happened, not a Turk but a native chief, either Maronite or Druse, he must exercise authority over men of the other creed, as well as over those of his own race, and thus govern at once two populations, who are, moreover, animated with the greatest possible antipathy the one to the other. When, therefore, the late Emir Beschir el Kassim was removed from office, a question arose as to how the Lebanon was to be governed. The Emir Beschir el Kassim belonged to the family of Schehab, a Maronite family, that for a great number of years were princes of the Lebanon. He was an old man, between seventy and eighty years of age—he was infirm, he had a paralytic affection, he was deficient in energy and talent—and he had to perform a difficult task. It was evidently impossible, under him, to preserve the peace of the Lebanon. Where men divided in interest, or strongly opposed in feeling, are separated by position, or prevented by circumstances from coming in constant contact with each other, it

is a matter of less difficulty to prevent those feuds which are naturally incident to their social condition and religious differences from assuming the character of religious war; but when such men are intermixed, as they are in the Lebanon, occupying the same village, dwelling on the same land, constantly meeting in the same town, it evidently requires a vigorous hand, a powerful head, a strong, determined will, together with a sound judgment, to repress that tendency to disorder which must exist in such a state of society. When the late Emir Beschir was removed, there appeared to be no member of his family in all respects fit for the government of the Lebanon. There was but one person who could be thought of—that was the Emir Haidar, a man who possessed more education than is generally to be met with in persons of that part of the country—for he was a native of the mountain districts—but at the same time he was not thought altogether fit for the very responsible situation of governor. Then the differences which had arisen between the Druses and the Maronites, and the bloody conflicts that had taken place between those two races, rendered it necessary for the Sultan and the Five Great Powers, who were in communication with him on the subject, to endeavour to make some arrangement that should provide for the better government of that part of Syria, without exposing either the Druses on the one hand, or the Maronites on the other, to the inconvenience of being subject to the dominion of a governor belonging to the rival race. After much communication between them, and after full consideration by, the parties, a plan was proposed in the year 1842, which, I think, was well calculated, had it been carried into effect, to attain the object in view. It was proposed that, instead of one governor, two governors should be appointed; that there should be a Druse governor for the Druses, and a Maronite governor for the Maronites; it was proposed that those two governors should be, of course, subordinate to the Turkish Government, but that each respectively should be the governor of that part of the population to which he by birth and religion belonged. This plan was sufficiently simple as far as it went, but it did not entirely remove the difficulty which arose from the mixed location of the population; and it became a matter of consideration and of some difficulty to decide what should be done as to those villages and districts which were inhabited by Druses and Maronites jointly. An arrangement, however, was proposed which appeared pretty well calculated to overcome even that difficulty; and it was further suggested, as a part of the plan, to guard against oppression and injustice, that permission should be given to the people, whether Druses or Maronites, in those mixed districts, to retire within that part of the province which was administered by a governor of their own race. That is to say, that in a mixed village in which the majority were Maronites and the minority were Druses, the Druses would be permitted to retire to the adjoining district where the government was under the control of a Druse governor. And in the same way, in those villages where the Maronites formed the minority of the population, they might retire and place themselves under the direct rule of a Maronite chief. And it was proposed further, that as this emigration would necessarily be attended with some sacrifices and losses to the people who might avail themselves of the permission, compensation should be made by the Porte for the value of their property, which upon being sold might not realize its proper amount. In favour of this plan the Five Powers appeared to have been unanimous; and when the Five Powers are unanimous in a matter of this kind, it is to be presumed that they are right; and it was natural to expect that their policy, if carried out, would be successful. I say, it may be presumed they are right, because when Five Powers, having such various and conflicting interests as England, France, Austria, Russia, and Prussia, agree to recommend any plan to the Sultan, it is evident it must be founded on a clear understanding of the interests of the Sultan; for no four of the Five Powers would ever concur in a plan adapted to promote the interests of any one of the five, whichsoever that one might be. This plan then, I say, was founded on a right understanding of the interests of the Sultan, and it was a plan which seemed to be easy of execution. It is clear, moreover, from the correspondence we have before us, that it would have accomplished its purpose. It is evident from the Papers on the Table, that if it had been earnestly and sincerely taken up by the Porte—if means had been taken to give the proper compensation to those who might desire to emigrate into a neighbouring dis-

trict—if the two governors had been appointed, and had received from the Turkish authorities on the coast that support in money for their expenses, and in a small number of troops to maintain their authority, which the Porte ought to have given, that arrangement would have been carried into effect, and by that means the peace of Syria would have been maintained, and the inhabitants of that part of the Turkish Empire would have possessed greater comforts, advantages, and happiness, than the inhabitants of any other part of the dominions of the Porte at this moment enjoy. But although this plan—a plan promising so many and such great advantages—was proposed in the year 1842, it does not appear that up to the present time it has been carried out; but instead of it, we find that constant delays have been interposed by the Turkish authorities, and various pretences have been assigned for not carrying that arrangement into execution. Two very high Turkish officers were sent to Beyrout; but instead of appointing a Maronite governor and a Druse governor, and giving them the money necessary for their expenses, and furnishing them with troops—a small number would have been sufficient—to support their authority, these Turkish officers sent, time after time, to the inhabitants of the different districts to ask them whether the proposed arrangement was agreeable to them; and various objections being made by interested parties, they referred the matter back to Constantinople, and then every possible delay was interposed, every conceivable difficulty was started, and instead of showing an anxiety to carry out the arrangement, the authorities seem to have interposed every obstacle which it was in their power to bring against it; and the result was, that intrigues of all kinds had full scope. The members of the family of Schehab, to which the Emir Beschir belonged, were not so convinced as the Porte and the Five Great Powers were, that the continuance of their sway would not be advantageous to Syria; at all events, they were convinced that it would be advantageous to themselves; and no wonder, for the Emir Beschir had been guilty of every kind of corruption. There is no act of cruelty, oppression, extortion, and rapine that he was not—I believe justly—accused of. It appears that he caused on one occasion some individuals, members of his own family, to be seized and strapped down to a board, and their eyes to be put out with hot irons; and when one of them in his agony screamed louder than was altogether consistent with the Emir's repose, he directed his tongue to be slit in order to silence him. It was quite intelligible, therefore, that the Schehab family should not approve of this arrangement which had been agreed to by the Allies and the Porte, and that they should exert all the means their remaining wealth and influence in Syria gave them, for the purpose of bringing about their restoration to power. It is also easily to be understood that in a feudal country a great number of the chiefs who had profited under the dominion of that family should still retain a desire to have them restored to power. The power of the Emir had been profitable to those chiefs, and it was to be expected that a great outcry would be raised amongst the Maronites, with the view, if possible, to defeat the arrangement of 1842, and to restore to Syria the old system of government as carried on by the Emir Beschir. The Maronite clergy, too, had a similar interest; for their influence was likely to be greater while the whole country was under the rule of an Emir Beschir, than when the Druses had a chief of their own race and their own religion, and when the country was divided into two governments. All these parties, then, had a direct interest in defeating the arrangement of 1842. That arrangement being calculated to secure the well-being of Syria, and to render the people contented and happy, tended to render them obedient and loyal subjects, and to make them well-affected towards the Porte, and therefore it was conducive to the interests of the Turkish Government. It is not, however, to be expected that a Government like that of Turkey should always act in accordance with its own real interest. The important officers of the Turkish Government have personal interests of their own, separate from those of the State; and they felt that if neither of these two plans was to be adopted—if neither the Emir Beschir was to be restored, nor the two local governors were appointed, but if, on the other hand, a Turkish pacha were to be appointed to govern the whole of the district of the Lebanon, that government might become a source of profit to some of the officers of the Porte; and they took pains therefore, to represent it as likely to be more advantageous to the Porte itself, in point of revenue, than either of the other two courses. This was the calculation of cor-

rupt and interested men—of ignorant men wholly blind or indifferent to the real interests of their country and their Sovereign: but it was the calculation of the Turkish officers; and therefore, in addition to the open resistance opposed to the intended arrangement by the Schehab family, and the Maronite clergy, came this under current of Turkish corruption and prejudice, and these together combined to create endless difficulties, delays, and obstacles to the arrangement proposed in 1842 by the Five Powers, and concurred in by the Porte. Well, Sir, unfortunately this resistance has prevailed—at the same time, I am bound to admit that the Turks do not appear to have done in these later times, for the purpose of defeating the arrangement, that which I fear it is proved they did in 1841—actually interfere to set one of these races in hostility against the other. In 1841, they instigated the Druses to attack the Maronites, with the view of weakening and disarming both parties—but especially with the view of reducing the power of the Maronites—intending, no doubt, when that object should have been accomplished, to turn upon the Druses, and disarm them in their turn. That, however, does not appear to have been the practice of the Turkish officers of late. On this occasion they have merely employed their influence as far as they could without glaring indecency exert it, to prevent the completion of that arrangement which the Porte promised the Allies to carry into effect. But, lately, the other influences I have spoken of appear to have produced an unfortunate effect. The Maronites, by the interest of the Schehabs and their friends, have obtained from some quarter or other large sums of money, and a fresh supply of arms and ammunition; possibly from the two Emirs Beschir, though they had been disarmed in their previous contest with the Druses. The Druses were armed also; a conflict of the most serious character took place, and for a time the whole of the country was a prey to all the horrors of civil war, This state of things appears to have been brought to an end for the moment, and a Convention has been concluded between the Druses and the Maronites under the mediation of the Turkish authorities; but still no effectual step has yet been taken to lay the foundation of any solid or permanent plan for securing the future peace of that unfortunate district. But what I contend is, that the Allied Powers, and especially the British Government, have not shown that energy they were entitled to display—and ought to have displayed—and which, if they had displayed, would, I think, have been attended with success. In saying this, however, I exempt from blame one officer of the British Government. There is one officer of that Government who has shown great activity, energy, and good sense, and has taken a just view of the state of things in the country where he is placed. I mean Colonel Rose, the British Consul General in Syria. I read with much satisfaction the despatches of that officer contained in the volume on the Table. I read them with much satisfaction, as I should naturally do any proof of the zeal and judgment of a British officer in the performance of his public duties; but the more so in this case, because Her Majesty was graciously pleased to appoint Colonel Rose during the period when I held the seals of the Foreign Office. I think the conduct of that officer throughout the whole affair is deserving of the greatest praise. On several occasions Colonel Rose was the means of preventing collision between the two contending parties. The advice he gave to the Turkish authorities has frequently prevented their doing very mischievous things, and taking steps that would necessarily have been attended with the most serious consequences; and, in one instance, by his own personal exertions—attended with great risk to himself—he had the good fortune and the happiness to save the lives of between 700 and 800 Maronites, whose dwellings had been burnt by the Druses, and who, if it had not been for his personal exertions, would have been victims of the cruelties of their enemies. But Colonel Rose, though displaying great ability and judgment himself, has not, I think, been well supported by such definite instructions from his Government as in his difficult position he was entitled to expect. It is true there are in the Papers on the Table several despatches approving of his conduct; but I see hardly any instructions to guide him. He seems, indeed, to have been left wholly to his own judgment and resources. No doubt the Government had entire confidence in that judgment; but Colonel Rose was entitled, in the peculiar circumstances in which he was placed, to receive not only approbation for what he had done, but some more especial and definite instructions as to the course which, in future, he was

expected by his Government to pursue. Now, I do not see in any of these Papers, proofs that the British Government has shown that energy, acting in conjunction with its Four Allies, which, considering the nature of the Turkish character, it was necessary to display in order to put an end to this difficulty. Everybody who is at all acquainted with the habits of Turkish diplomatists, or has any knowledge of the dilatory character of the Turkish authorities in transacting affairs, must be aware that hints, inuendoes, suggestions, and side-wind propositions won't do. With such a people, if you wish to succeed, you must come at once to the point, and tell them what they are to do; and if you tell them also how they are to do it, and when they are to do it, they are still more likely to do it than if you leave the time and the mode to their own discretion. I say that the Allies were entitled to use different language to the Turkish Government, in this case, from that which they did use; they were entitled to press the matter as strongly as possible on the Turkish Government, and to tell them that they were trifling with the Allies, and were not sincerely acting upon their own promises and professions, and that something more distinct and effectual was expected from the Porte in carrying out the arrangements into which it had entered, than anything that had yet been done. Judging from former experience, I am justified in believing that if the Allies had adopted that course, many of the unfortunate events that have lately happened in Syria would have been prevented; and I say further, that unless some more energetic course be taken than has yet been had recourse to, Syria will continue to be a prey to those calamities with which it has of late been afflicted. I know there are some parties who think it is well to show, by the failure of all attempts to regulate the affairs of Syria, that the Turkish Government is not fitted to govern that country, and that it ought either to be given back to the rule of Mehemet Ali, or to be separated from the dominions of the Porte, and formed into an independent State. I am not for either of those courses. Neither of them would, in my opinion, conduce to the well-being of the Syrians themselves, or to the interests of the Turkish Empire. As an instance of what I have said as to the character of the instructions sent to Colonel Rose, I find that, on the 5th of June in the present year, a despatch was received at the Foreign Office from that officer, dated the 17th of May, 1845—an admirable despatch—giving the clearest and most perfectly developed view of the causes of the late insurrection. He states these causes to be, first, the misconduct of the Turkish Government—secondly, the intrigues of the Schehab family—thirdly, the difficulties arising out of the mixed location of the population—and, fourthly, the intrigues of the Maronite clergy. But he does not in this despatch state these things for the first time. These causes had been fully explained to the Government in previous despatches; but in this communication Colonel Rose sums up the whole at one view, and he gives shortly, but in the most clear and distinct manner, his reasons for charging to these four causes all the calamities that have befallen Syria. This despatch was received by the Government on the 5th of June; and what was the nature of the despatch which was written by the noble Lord the Secretary of State for Foreign Affairs, on the following day, to Sir Stratford Canning? On the 6th of June, Lord Aberdeen writes to Sir S. Canning to the following effect:—

"The present state of affairs in Syria has occasioned much concern to Her Majesty's Government"—

It was scarcely necessary to tell him that—

"But they have been glad to perceive by the latest advices from Colonel Rose that measures were in progress for arresting the course of the hostilities which had broken out between the Druses and the Maronites."

This could not help much either Sir S. Canning or Col. Rose. But we expect some particular result—the Government having felt so much concern, and having had explained to them by Colonel Rose the causes that had produced the state of affairs in Syria, it was natural to expect that the Government would have instructed their Ambassador what to do, either in connexion with the Four other Great Powers, or with the Turkish Government, to prevent the recurrence of similar calamities. But what is the conclusion to which the British Secretary of State arrives?

"Until the result of those measures is known, and a clearer insight obtained into the various circumstances which have led to and attended these distressing transactions, Her Majesty's Government are unable to arrive at any certain conclusion as to the course which it may be proper to follow, with the view of obviating, if possible, a renewal of civil war in the Lebanon districts."

Greatly must Sir S. Canning have been assisted by this despatch—a despatch following a detailed account of all that had passed in the Lebanon; and a full explanation of the causes that had produced it. When Her Majesty's Government are informed of all the causes that have led to certain events, which events are also made known to them, one would think that they should be capable of suggesting efficient remedies to prevent the recurrence of similar disasters, and more especially when it is recollected that these things were by no means new to them. This despatch, received on the 5th of June, sums up the whole of the causes, but they had been fully explained to the Government in the previous correspondence. I say, then, that the Government have shown throughout these transactions an indifference, a torpidity, and a want of that lively sense of the difficulties they had to deal with, and of the duties they had to perform, which warrant us in throwing upon them a part of the responsibility which attaches on account of those calamities which have occasioned them so much concern. This subject is one of great importance; it belongs not only to an English interest, but to a great European interest. It interests all Europe that the integrity of the Turkish Empire should be maintained. I will not undertake to discuss whether the magnificent countries now under the Turkish dominion might or might not be better governed by a more civilized Power. If you could put Constantinople and the Turkish Empire under the sway of an enlightened Sovereign, acquainted with all the wants and requirements of civilized life, no doubt that important part of the world would be in a different condition from that in which it now is. But we must deal with things as they are, and the question we have to consider is, whether it is not conducive to the interests of Europe, and not only conducive to its interests, but essential to its safety, that we should do our best to maintain the existing state of things, rather than pull down the present fabric, in order to set up something else in its stead? We are told that the Turkish Empire is a dead body, that it is a rotten tree—every kind of metaphor is used for the purpose of showing that the Turkish Empire is falling into decay, and that the Great Powers of Europe must proceed to divide the spoil even before the breath is out of the body. But the answer to this is, it will last our time if you will only let it alone. If the stronger Powers of Europe will only concur to assist the Turkish Government in improving its system of administration, and in maintaining its territorial integrity, I am sure that, as long as any man now living is likely to exist, the great danger to the peace of Europe, which must result from the falling to pieces of the Turkish Empire, may be successfully averted. If Turkey were likely to become what she was in past times—a great military and aggressive power, formidable to neighbouring nations—I could understand the policy of reducing its strength; but that is impossible; and those Powers who have interests in connexion with Turkey should deem it more to their advantage to have a quiet neighbour, which Turkey will always be, rather than to have an active and dangerous one. Those who say that the Turks are going backward in civilization, are in error. Compare the state of Turkey now with what it was half a century ago, and you will find, that in all that constitutes political and social civilization, Turkey is making, not rapid perhaps, but decided progress, in imitation of the Powers of Europe. Security to life and property is greater now than it ever was at any previous period in Turkey. The rule of the Turkish officers is now free from the arbitrary infliction of the penalty of death, which not many years ago was common. Schools are established; the army is organized upon the European model; instruction is given to the officers of the navy, and the hatti scheriff of Gulhanè, recently issued, gives guarantees to the life and property even of the Raya subjects. In fact, few countries have made so much progress in civilization within a given time as the Turkish Empire. Then, I say, give that progress fair play, and enable the Turkish Government to continue the course which it has entered upon. It is necessary that the Five Powers should in all respects be agreed; and I am glad to see, from those Papers, that in these affairs of Syria they are agreed. The Treaty of the Dardanelles, signed July 1841, between England, France, Austria, Russia, and Prussia, was, in effect, a record of the determination of those Powers to abandon all selfish views, and to unite together for the common purpose of preserving the Turkish Empire as it stands, and of assisting in securing the dominions of the Sultan. None of the Five Powers have any true interest in pursuing any other course. It may be

looked upon as a moral certainty, that if any one of the Five Great Powers of Europe were to pursue a separate course with regard to any part of the Turkish dominions, under the expectation of gaining some selfish advantage thereby—in the first place, the advantage would be as nothing, if gained; and in the next, any such attempt would inevitably excite so much jealousy, so much ill-will and resistance on the part of the other Great Powers, that that one Power, would find itself vigorously opposed, and its endeavours successfully thwarted. But I am not afraid of any such event. I perceive here in these Papers, that all the Five Powers cordially, honestly, and sincerely concur in recommending to the Porte measures in regard to Syria which must tend to the advantage of the Sultan. Therefore, what is wanted is, not a correct understanding of what ought to be done, and not, perhaps, a good intention to do it, but that degree of energy in executing a purpose, without which the talents of the most able man can be but of little use, and the best intentions must be unprofitable. Therefore, feeling that those disturbances in Syria are of great moment, as bearing upon the tranquillity of Turkey, and that the tranquillity of Turkey is of high importance as connected with the preservation of the balance of power and with the maintenance of peace in Europe, I have felt it my duty on this, the last occasion on which during this Session I shall be able to do so, to state to the House that I think the Government have not shown in this matter that active energy which the nature of the case requires; and to express my hope, that when the House shall meet again, we shall have had no recurrence of these disasters and calamities in Syria, and that that arrangement which was recommended by the Five Powers, and acquiesced in by the Sultan, and which, I am persuaded, if carried into execution, would restore peace and tranquillity in Syria, will have been practically carried into effect; and by that means, we shall be relieved from the engagements by which we are now bound to the Syrian people, and from that perpetual interference with the affairs of another and a friendly State, which is inconsistent with ordinary and just international usage, but which is in this case pressed upon us by the course of events, and by engagements which we are bound to fulfil. The noble Lord concluded by moving for the Papers he had described.

Sir *R. Peel:* Sir, I understand the noble Lord to admit that he finds in the Papers which have been lately presented to the House sufficient proof that the Five Great Powers of Europe, standing as they do in a peculiar relation with the Turkish Empire, have acted together in cordial concert, and that no one of them has been actuated by any desire to gain for itself any particular advantage; and that acting so in concert, they have offered advice to the Turkish Government, which, if adopted, would tend to promote the true interests of the Porte, and, at the same time, conduce to the restoration of tranquillity, and inspire a just confidence in the Government of the Porte. The noble Lord admits that he finds proof of this in the Papers on the Table of the House; but he says the Five Powers are not sufficiently energetic—they are not sufficiently decisive and determined in enforcing the advice they have so given. Now the relation in which the Allies stand to the Porte is a peculiar and a delicate one. You have to require from the Porte the fulfilment of certain engagements into which she has entered; but the sole end and object of your policy is to maintain the integrity of the Turkish Empire—and we have consequently imposed upon us this somewhat contradictory duty, we have to require the fulfilment on the part of the Porte of certain engagements into which it has entered relating to its own international affairs, and at the same time to promote the integrity and independence of the Turkish Empire. The latter consideration—the wish to promote the independence, and maintain the integrity of the Turkish Empire—may suggest itself as the reason why the Five Great European Powers, acting in concert, and giving to the Porte the best advice in their power, have been slow in adopting those measures which might be effectual in compelling obedience on the part of the Porte, but which might at the same time be fatal to its integrity and independence. When we delivered over Syria to the government of the Porte in 1839 and 1840, we could hardly have anticipated that the rule of the Porte over its Syrian subjects would be altogether satisfactory. I will not now call in question the policy which induced you to rescue Syria from the dominion of the Egyptians. I admit you had not merely to say whether the Egyptian rule of Syria was good or not,

but whether you were prepared to rescue the Turkish Empire from the peril it was in from the advance of Mehemet Ali into its territories. You found the Egyptian troops under Ibrahim Pacha advancing into Syria in large force, which you thought the Porte had not sufficient means of resisting successfully; you found a conflict had actually taken place, in which the Egyptian troops had been victorious; and the question you had to decide was, whether, under the circumstances, the security of the Turkish Empire was not endangered, and whether the permanent interests of Europe, and the peace of Europe, did not require the immediate interposition of the European Powers, in order to arrest the advance of the Egyptian troops, and to maintain the integrity of the Turkish Empire? That, I apprehend, was the ground upon which, in 1839 and 1840, you determined to interpose, in favour of Turkey, first your good offices, and then your active interference. You may have been justified in doing this; danger might have arisen to Europe from the continued success of the Egyptians, and the imminent danger to the Turkish Empire may have justified you in delivering over the Syrians again to the Porte; but the main and pressing danger to Europe formed the ground on which you interposed to rescue the Porte from the danger in which it was placed. But you surely never anticipated that the domestic government of Syria by the Porte would be very easy or satisfactory. What have you done with respect to Greece? You found the Turkish Government so unfit to conduct the government of Greece, that this country, with France and Russia, interfered to establish Greece as an independent Power, and that on account of its misgovernment by Turkey — the continued anarchy in which the country was plunged, and the failure of the Turkish Government to put it down. Well, you determined to restore Turkish dominion in Syria; but immediately after the restoration of that dominion, when it might have been supposed that Turkey would have felt some gratitude to this country and the other Powers, did Turkey show any strong disposition to administer the affairs of Syria in the manner in which English statesmen might have wished them to be administered? The noble Lord has himself adverted to the state of Syria at that time, and to the disappointment of the assurances he had received from the Porte. After the rescue of the Porte from imminent peril, and the assurances which had been given by it that the government of Syria should be satisfactory—at that time, before the first bloom of gratitude was rubbed off, did the noble Lord find reason to congratulate himself on the conduct of the Porte, in reference to its promises to govern Syria properly? On the 25th of May, 1841, Lord Ponsonby wrote to Lord Palmerston in these terms:—

"*Therapia, May* 23, 1841.

"I have this evening (and fortunately in time for the messenger) extremely bad news from Syria. I must be as brief as possible. Reschid Pasha sent as governor to Damascus Hadji Nejid Pasha, a man who had been during many years Kapou Kiaja to Mehemet Ali (Pasha of Egypt). He has ordered the Christians not to enter Damascus on horseback, and prohibited the wearing any coloured clothes of a light and gay colour, and to dress in black, as in former days. . . . . I entreat you to speak in the strongest terms to Chekib, for it is too bad that Nejib should be permitted to insult the Christians to whom his Sovereign is indebted for Syria, and be the cause of undoing all that we have done with so much trouble, for assuredly Syria will revolt if these men are allowed to act so as to irritate the whole Syrian nation." . . . .

That, then, was the result of what took place. On this point I am sure every one will agree with me, that though Mehemet Ali practised much cruelty, he still was able to maintain a sufficient army to prevent anarchy and to control rebellion. You handed over Syria to the Porte; but nothing was more difficult than to invest the Porte with the power of governing Syria, and to do that without interfering in the domestic affairs of Turkey greatly increased the difficulty. In almost the last despatch of Lord Ponsonby, I find a remarkable confirmation of this, contained in the following passage:—

"I have further learned that the greatest dissatisfaction exists amongst the mountaineers and others in consequence of the non-execution of the promises generally of which Mr. Wood was the bearer. I have in consequence thought it right to detain here Mr. Wood, knowing that his return to Syria must be very mischievous in its effects under such circumstances; for the Syrians would demand from him why his promises are not performed, and Mr. Wood must either allow the Syrians to

hold him a liar and deceiver, and to charge the British Ambassador, and even Her Majesty's Government, with deceit and falsehood, or Mr. Wood must declare that the Porte is guilty of breaking its promises, and by so doing there would be an end put to the respite from mischief that has been obtained by the suspense in which the Syrians have been still held, and the hopes they have still nourished that we here should succeed in obtaining for them what had been promised to them. I thought it right to give the Ottoman Ministers credit for their repeated declarations, that Nejib Pasha and the other functionaries in Syria should be obliged to act in conformity with the spirit and letter of the promises of the Sublime Porte; but day after day, week after week, months have passed away, and nothing has been done. I have, therefore, given in to the Sublime Porte an official note, pointing out the evils that would ensue from the return of Mr. Wood to Syria, and further stating that not one of the arrangements agreed upon at the meeting held by the Internuncio and the Russian Minister and myself, and which were communicated to the Sublime Porte and accepted by the Porte, had as yet been acted upon, and terminating with the request that the Sublime Porte will give me a clear and satisfactory answer."

That was the state of things towards the close of Lord Ponsonby's embassy. This was followed by several promises, on which we relied, for the fulfilment of the engagements entered into with us; but those engagements have, unfortunately, not been fulfilled. I have no excuse to offer for their not being fulfilled; and I wish we had nothing else to lay to the charge of the Porte than a want of ability to fulfil those engagements. I do not know whether there is not even something worse than apathy in the case; there may be some worse motive, perhaps; but there can be no doubt of the fact that there have been a great many shabby evasions with respect to our pecuniary claims upon Turkey, and I do not see any grounds upon which I can vindicate the conduct of the Porte; at the same time, I cannot shut my eyes to the difficulty of enforcing compliance without endangering the independence of Turkey. Before I proceed to another topic, however, I must bear testimony to the zeal and ability which Sir Stratford Canning has shown in the conduct of those affairs; and, I think, the House ought also to be made aware of the great influence which he has acquired, and the resentments which he has disarmed by the candour he has always shown, and the purity of motive which at all times seemed to govern his conduct. With respect to Colonel Rose, in reference to the affairs of the Lebanon, I am bound to do him the justice of saying that the manner in which he discharged the important duties entrusted to him merits the highest confidence. He performed those duties at great personal sacrifices and great personal risk. It was said, that Colonel Rose had not received sufficiently clear instructions; need I remind the House of the extreme difficulty of giving instructions in such cases? The danger and vicissitudes which were hourly taking place, precluded the possibility of rendering those instructions precise or definite. To such places you must send men in whom you repose entire confidence, for it is impossible to give definite instructions to suit every contingency. Before the instructions could arrive, the state of things for which they were intended would be totally changed. The conduct of Colonel Rose and the state of affairs in Lebanon are, I think, clearly shown in the following passage from the Papers on the Table of the House. Sir S. Canning wrote on September 17, 1844, and his remarks may in addition tend to show how rapid are the changes both in Syria and at Constantinople:—

"By the return of Omar Effendi from Beyrout, I received from Colonel Rose the gratifying intelligence that the deputies of the Maronites and Druses had accepted the terms of arrangement communicated to them by the Capitan Pasha and the Pasha of Sidon in the name of the Porte, and that the long-pending question of Mount Lebanon might be considered as brought to a satisfactory termination. I observe with particular satisfaction that the Porte has redeemed its pledge; that the generosity of its conduct has removed the chief burden of the indemnities; that, in addition to the confirmation of all previous securities and concessions, the liberty of emigration has been granted to the Maronites in the mixed districts, and that the tranquillity of the country has been secured by the presence of an imposing force, without the slightest effusion of blood. The Ottoman Ministers are much pleased with the solution of the difficulty; and they have conveyed to me their acknowledgments for the share which Her Majesty's Government and its representatives, both here and in Syria, have taken in bringing it about. In answer to an inquiry from Rifaat Pasha, I have advised an early and complete execution of the promises made at Beyrout, especially as re-

gards the payment of the indemnities, and that large proportion of their amount which the Porte has undertaken to supply. I abstain for the present from entering more largely into this part of the question. It appears to me that while the Porte continues to pursue so reasonable and benevolent a course, the smallest measure of interference will be best on my part. I shall nevertheless endeavour to keep its proceedings in view, and I shall not hesitate on every proper occasion to offer those suggestions which I may think most conducive to the peace and welfare of Mount Lebanon."

Those are the sentiments which my noble Friend at the head of the Foreign Office has a right to entertain with respect to the conduct of the Porte; but it would appear that a total change has taken place since the period to which this despatch refers. The noble Lord seems to think, by some observations which fell from him, that Her Majesty's Ministers have not shown themselves sufficiently alive to Colonel Rose's merits, and have not acknowledged his services in terms adequate to their value. I am happy to be able to state, with reference to this particular topic, that my noble Friend has very recently received a letter from Colonel Rose, showing that, at all events, such was not the impression which prevailed in his mind on that subject. In justice to Colonel Rose, I hope the House will permit me to read a portion of this despatch, which I hold in my hand, and which is dated July 1, 1845:—

"I have the honour to acknowledge the receipt of your Lordship's despatches No. 6 and 7, in which your Lordship is so good as to inform me that Her Majesty's Government are pleased to approve entirely the steps which I have taken, in conjunction with my Colleagues, to restore peace to the Lebanon, and also that Her Majesty's Government are pleased to bestow the same gracious approbation on the steps which I took for causing the safe passage to Beyrout of a large number of the Christian inhabitants of Abbaye. Such approbation, and conveyed in such terms, I venture to say, has caused me the sincerest satisfaction, and is a fresh proof of the support which Her Majesty's Government invariably have given to their servants, when they are engaged in the cases of unforeseen difficulty which arise from the state of this distracted country."

The next passage which I shall read will show what the result of Colonel Rose's interference was; an interference, be it observed, not exercised exclusively in favour of the Druses, as has been asserted, but impartially, and in behalf of the Christian population in general:—

"As regards the protection which I gave to the Christians of Abbaye, I have the more reason to rejoice that I did that which has procured me such most gratifying proofs of approbation, as I have since received information, which makes it certain that the Druse Sheikh Hamoud Abouneked, known for his cruelties and treacheries in the war of 1841, would have plundered and cut off the Christians, if I had not been with them. 400 Druses had been detached by him to the pass of Damoor, and 300 to that of Naame, to fall on the defenceless column."

Colonel Rose subsequently had an interview with the chief, Hamoud Abouneked, who, he thought, from previous occurrences, was likely to oppose his affording effectual protection to the Christians under his care; but he prevented that person from carrying his intentions into effect; and in concluding his despatch he thus proceeds:—

"I not only act in the interests of justice and humanity as regards the Christians, but, by making the Druses feel the weight of a just authority when they act cruelly or unjustly, I act for their real interest, for I take the best means of preventing causes of present and future dissensions between the Christians and Druses; and, moreover, I prevent their getting into that state of lawlessness and insubordination which afforded Mustapha Pasha a pretext for treacherously arresting them. But there is another advantage in my mode of proceeding. I give the Druses further proof of what I have so constantly inculcated on them, that, whilst Her Majesty's Government desire that they should be placed on a footing of just equality with the other inhabitants of the Lebanon, the best guarantee of peace, they will, in the same spirit of impartial justice and policy, use all their influence to repress the commission of all conduct of a cruel or oppressive nature by the Druses towards their Christian neighbours, and *vice versâ* as regards the Christians."

That is the manner in which this honourable and efficient officer carries into effect his mission. He does not give his protection to one party only. He affords it alike to all at the moment when it is needed. He impresses the Turkish authorities with the absolute necessity of not violating that shelter which he had thrown over these unhappy persons, and he even encounters very considerable personal risks in order to carry out his determination to

afford protection to these Maronite fugitives. His conduct is deserving of every praise, and it is a sufficient refutation of the charges brought against him of having afforded protection to one class only of the two contending factions in the Lebanon. I confess, Sir, that I am more than unwilling to enter into any further details with respect to the past conduct of the Porte. The unanimity of the Five Powers in the course of policy which it has been recommended to the Porte to pursue, is a decisive proof of their disinterestedness. The last accounts which have been received from Sir Stratford Canning by Her Majesty's Government, lead me to hope that some proposals will be very shortly made by the Porte for the settlement of the Lebanon; proposals which, unlike all those that have preceded them, may ultimately and effectually put an end to the differences which have so long prevailed there. This despatch, however, is of so recent a date, that I cannot speak of the subject of its contents with positive confidence; but the tenor of Sir Stratford Canning's letter, which is dated 31st of July last, dwells on the sincerity with which Chekib Effendi promised to enter into the desired measures for the tranquillization of the Lebanon; and these being the most recent advices from Her Majesty's Minister at Constantinople, and it being obviously the interests of the Porte to propose a plan which shall be equitable and effectual for the settlement of these long-existing differences, I consider it the most advisable course to abstain from entering any further into this subject at present. But, at the same time, I will say, that taking into consideration the political condition of Syria, it is manifestly to the interest of all the Five Powers who were instrumental in handing that country over to the Porte, that they should see an equitable and impartial Government established there; and it will be a most surprising circumstance if the remonstrances, and even the entreaties of the Five Powers, should be any longer neglected. I have no other observation to make on the Motion of the noble Lord, except to say that I have no objection to the production of the Papers which he asks for. At the same time, it will probably be better not to include the four or five despatches which have passed since the last accounts were received; and, if this exception be made, I shall, at an early period of the ensuing Session, have no objection to produce the whole correspondence. As this is the last opportunity which I shall probably have of addressing the House, I cannot suffer the labours of this Session to close without saying a few words on the subject of those labours. I more particularly refer to the exertions made by those hon. Members who have taken part in the private business of this House since the Session began. We who occupy the Treasury Benches are, perhaps, equally engaged in our duties with other hon. Members; but then our situation in this House is more conspicuous; the subjects which occupy our attention are more popular, excite more interest in the public mind; their success is more gratifying, and insures a higher species of reward than do the cares and fatigues of attending private business. But I must, at the same time, say, that I doubt very much whether the services which we have rendered are of a more important or more engrossing character, than those which have been afforded so assiduously and continuously by the general body of hon. Members. I am now speaking, not only of the attendances at the Committees on Railway Bills, but of the general superintendence of the private business of the House. No one thinks, for instance, anything of the business transacted by the Standing Orders' Committee; the debates in this House on those Standing Orders possess no interest, and consequently convey no impression of labour; but only look at the general results of the Session, and the House will feel convinced that I am not overrating the value of the labours to which I refer, when I characterize them as unequalled in duration and in importance. The Standing Orders' Committee sat 39 days, and had 185 cases referred (ordinary number referred 60). The Committee of Selection sat 41 days, and had 315 Bills (ordinary number 180). The Committee on Petitions sat more days than the other two. 45 Railway Group Committees have sat, which, with 5 Members in each, made a total of 225 Members. There were 163 Bills decided one way or the other, besides those withdrawn, those unsupported, and those thrown out on Standing Orders. Taking the 163 Bills only, and supposing they had not been grouped, the 163 Bills would have required, at the reduced number of five, 815

Members. Of the Committees, 22 sat under 6 days, 9 between 6 and 12 days, 6 between 12 and 18 days, 3 between 18 and 24 days, 5 sat above 24 days; and to the honour, be it said, of the Members who composed it, one of these Committees sat 83 days. I think, therefore, that the Standing Orders' Committee and the other Committees, the members of which, much to their credit, have attended regularly and without compulsion to those duties, and who have discharged them with such signal success, are entitled before the Session closes to an expression of gratitude for their labours; and I believe I may constitute myself the organ by means of which this sentiment is conveyed to them, and assure those hon. Members thus publicly that this House and the country at large do ample justice to their motives in thus sacrificing their time and energies to the despatch of the important business transacted by them; and I believe, if a comparison were to be instituted between the character of this House now in respect to these matters, and what it was when first elected, I think a very advantageous deduction would be drawn as to its increased capacity for the advancement of the business of the country. I believe it would be as impossible to impugn the character of this House on the ground of private business, as it would be injurious to do so with regard to the public affairs of the State: and I think the hon. Members who have taken their share in that private business are fully entitled to carry away with them the gratifying reflection that they have not only done their duty, but that they have contributed to raise the character of the House of Commons in the eyes of the whole nation.

Sir *C. Napier* was about to address the House, when

A *Member* moved that the House be counted; and twenty-five Members only being present, the House adjourned at a quarter to eight o'clock.

HOUSE OF LORDS,

Saturday, August 9, 1845.

MINUTES.] BILLS. *Public.—Received the Royal Assent.*—Exchequer Bills; Consolidated Fund (Appropriation); Small Debts; Silk Weavers.

Private.—Received the Royal Assent.—Epping Railway; Bristol Parochial Rates; Marquess of Westminster's Estate.

PETITIONS PRESENTED. From Inhabitants of Lanfechell, for the Establishment of Local Courts, and praying that the Judges appointed may be required to have a knowledge of the Welsh Language.

PROROGATION OF THE PARLIAMENT.] This being the day announced for the prorogation of Parliament by the Queen in Person, the usual arrangements were made within the House for the reception of Her Majesty.

The Queen entered the House, attended by the Great Officers of State, shortly before two o'clock, and being seated on the Throne, directed the Gentleman Usher of the Black Rod, through the Lord Chamberlain, to command the attendance of the Commons.

Mr. *Speaker,* accompanied by a great number of the Commons appeared at the Bar, and addressed Her Majesty as follows:—

"Most Gracious Sovereign—We, your Majesty's loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, attend your Majesty with the concluding Bill of Supply for the present year.

"The Session we are about to close has been rendered unusually laborious, by the rapid development of private enterprise, in extending the railway communications of the Kingdom. We anticipate the most beneficial results from the facilities thus afforded to the internal trade of the country; and we havedevoted much time and labour to the legislation requisite for the construction and regulation of these important works, notwithstanding the various measures of great public interest which demanded our attentive consideration.

"Your Majesty was graciously pleased to intimate to us at the commencement of the Session, that your Majesty had carried into effect, in the spirit in which it was conceived, the Act for the more effectual application of Charitable Donations and Bequests. In the same spirit we have continued to legislate for Ireland; and in making a further grant for the endowment

of Maynooth, and in providing the means of academical instruction, we have shown due regard to the peculiar circumstances of that part of the United Kingdom, and the religious feelings of the majority of its inhabitants; and we believe that the encouragement afforded by this and former Parliaments to the education of the people, has placed the future improvement and prosperity of Ireland on a sure and lasting foundation.

"Our attention has been no less anxiously directed to the condition of the destitute poor of Scotland; and, assisted by the information which your Majesty has directed to be laid before us, we have made such amendments in the law as will provide for the more effectual relief of the poor, and for a better system of parochial management under the control of a general Board of Supervision.

"We have endeavoured, by facilitating the drainage of lands and the enclosure of commons, to encourage agricultural improvement and the beneficial employment of labour in the rural districts. And we advert with peculiar satisfaction to the measures which have been adopted for the further security and extension of the trade and commerce of the country.

"The laws passed in a former Session for regulating the banking establishments of England have been applied with certain requisite modifications to Scotland and Ireland. The operations of trade have been simplified and rendered more secure by the abolition of the duties on many articles of import, and by the consolidation of the Customs laws.

"The duties on sugar have been so far modified and reduced as materially to affect its price and increase its consumption; and the important staple manufacture of glass has been relieved altogether from fiscal charge and the inconvenience and expense of Excise regulations.

"To meet the deficiency in the Revenue caused by these alterations of the Tariff, we have deemed it indispensably necessary to continue for a further period the tax upon income; and we have been thereby enabled, in accordance with your Majesty's suggestion, to add to the efficiency of the naval service, and to afford adequate protection to our commerce.

"It has been my duty thus briefly to lay before your Majesty some of the most prominent measures of the Session. We believe them to be well calculated, under the blessing of Providence, to increase the prosperity of the country, and to promote the welfare and happiness of all classes of your Majesty's subjects: and, if we have felt ourselves reluctantly compelled to renew a tax usually resorted to under the pressure of an expensive war, we have at least the satisfaction of reflecting that we have reimposed it for no purpose of aggrandizement or of conquest; but that we might be enabled, without endangering public credit, to relax those restrictions which press upon our domestic industry, to extend our commercial relations, and to share the blessings of peace with all the nations of the world."

The Royal Assent was then given, in the usual form, to the Exchequer Bills Bill, the Consolidated Fund (Appropriation) Bill, the Small Debts Bill, the Silk Weavers Bill, the Epping Railway Bill, the Bristol Parochial Rates Bill, and the Marquess of Westminster's Estate Bill.

Her Majesty was then pleased to make the following Most Gracious Speech to both Houses of Parliament:—

"*My Lords, and Gentlemen,*

"I rejoice that the State of Public Business enables Me to release you from further Attendance in Parliament.

"In closing this laborious Session, I must express to you My warm Acknowledgments for the Zeal and Assiduity with which you have applied yourselves to the Consideration of

many Subjects deeply affecting the Public Welfare.

"I have given My cordial Assent to the Bills which you presented to Me for remitting the Duties on many Articles of Import, and for removing Restrictions on the free Application of Capital and Skill to certain Branches of our Manufactures.

"The Reduction of Taxation will necessarily cause an immediate Loss of Revenue, but I trust that its Effect in stimulating Commercial Enterprize and enlarging the Means of Consumption will ultimately provide an ample Compensation for any temporary Sacrifice.

"I have witnessed with peculiar Satisfaction the unremitting Attention which you have bestowed on the Measures recommended by Me to your Consideration at the Commencement of the Session, for improving and extending the Means of Academical Education in *Ireland*.

"You may rely upon My Determination to carry those Measures into execution in the Manner best calculated to inspire Confidence in the Institutions which have received your Sanction, and to give Effect to your earnest Desire to promote the Welfare of that Part of My Dominions.

"From all Foreign Powers, I continue to receive Assurances of their friendly Disposition towards this Country.

The Convention which I have recently concluded with the King of the *French*, for the more effectual Suppression of the Slave Trade, will, I trust, by establishing a cordial and active Co-operation between the Two Powers, afford a better prospect than has hitherto existed of complete Success in the Attainment of an Object for which this Country has made so many Sacrifices.

"*Gentlemen of the House of Commons,*

"I thank you for the Liberality with which you have voted the Supplies for the Service of the current Year.

"*My Lords, and Gentlemen,*

"On your Return to your several Counties, Duties will devolve upon you scarcely less important than those from the Performance of which I now relieve you.

"I feel assured that you will promote and confirm, by your Influence and Example, that Spirit of Loyalty and Contentment which you will find generally prevalent throughout the Country.

"In the Discharge of all the Functions intrusted to you for the Public Welfare, you may confidently rely on My cordial Support; and I implore the Blessing of Divine Providence on our united Efforts to encourage the Industry and increase the Comforts of My People, and to inculcate those Religious and Moral Principles which are the surest Foundation of our Security and Happiness."

Then the *Lord Chancellor*, by Her Majesty's Command, said—

"It is Her Majesty's royal Will and Pleasure that the present Parliament be prorogued to Thursday, the Second Day of October next, and this Parliament is accordingly prorogued to Thursday, the Second Day of October next."

Her Majesty then rose from the Throne, and left the House attended in the same manner as upon Her entry.

HOUSE OF COMMONS.

Saturday, August 9, 1845.

MINUTES.] PETITIONS PRESENTED. By Mr. Hawes, from several places, for Establishment of County Courts.

EDUCATION IN IRELAND.] Mr. *Wyse* moved for Returns of the sums contributed and expended for the establishment and maintenance of the diocesan schools in Ireland, distinguishing such as had been contributed by the clergy of the Established Church, by grand juries, and by pupils respectively. These returns were necessary to complete those for which he moved yesterday, and he called for them thus in time, in order to enable him at an early period in the ensuing Session to resume the question which he had on many former occasions pressed upon the House, the reform and extension of the Diocesan and Royal Schools, and of the dissolution of the Board of Commissioners, under whom they were placed, with the view of making these schools more useful to the general purposes of Irish education. Though the new Colleges (Ireland) Act provided for an important class of education, there was a large space still unoccupied, intermediate between these institutions and the elementary schools, and this interval he wished to see filled up by the Diocesan and Royal Schools, when duly enlarged and reformed, and by such additions to them, on the same principle and in the same class, as might be sufficient to supply the public wants in this department, under the name of County Academies, in every county in Ireland. The Report of the Committee of 1836 and 1838 had gone at great length into the whole of that question; and, after showing the actual defects, had pointed out their remedy. He, as Chairman of that Committee, had spared no opportunity, not only of examining into facts, but into opinions relative to these schools, and he believed no serious difficulty would interfere to prevent the carrying out the alterations and improvements which he ventured to suggest relative to that branch of education in the Report. He did not think that the Commissioners themselves, who were not to be confounded with the Board of Commissioners of National Education, would oppose the dissolution of their body, and the placing the whole under the one administration of the latter. The reform of this department was, in all cases, necessary. It was as requisite on the one side to complete the system, as the opening of the Dublin University on the other. The Government had already given evidence of their desire to reform and extend the higher departments of education sufficient to justify him in hoping that they would not neglect this addition to the project, but that during the recess they would give it their anxious attention, with the view, if possible, at an early period, of carrying it with the same resolution into effect, as the Colleges Bill. In any case he should not fail to bring it again, pursuant to his Notice, in the hope of better success under the consideration of the House, as soon as Parliament should reassemble. There was another class of schools (he meant industrial schools) for which he felt the greatest interest. He believed, of all others, they were the most appropriate to the wants of the great majority of the inhabitants of Ireland; and were better calculated than any other to render practically useful amongst the population the lessons they had received in the other schools. Private individuals had done much for their establishment and maintenance; and there was one in the north, and another in the west of Ireland, under the superintendence of a Catholic clergymen, which, he had no doubt, would do infinite good; but he wished to see the Government, also, zealously co-operate both in establishing themselves, through the National Board, such institutions, and aiding the establishment of them by others. In this hope, he had called for returns, somewhat similar to those moved for in reference to the diocesan and royal schools. He was anxious to bring them into something like a regularly organized system; on one side in connexion with the elementary and promised model schools, and the Board of Education; and on the other, with the new Colleges and the Agricultural Association. He trusted the Government would also give them their attentive consideration during the recess, with the view to provide more largely for their better organization and greater extension, both in the form of schools or colleges throughout the country. Before he sat down, he would take the liberty of once more adverting to the new Colleges. He wished to have a more explicit declaration from the Government of their intentions, relative to the carrying out of the plan (now happily a law of the realm); and which he trusted would soon demand their attention. The

right hon. Baronet opposite (Sir J. Graham) had more than once stated his full assent to what he had ventured most strenuously to impress on the House—the absolute necessity, in the execution of the Act, to frame laws or statutes, and to constitute the governing body or bodies, in such a way as should fully deserve and meet the sanction and concurrence of the different classes and persuasions for whom they were designed. The best intentions, the highest object, the most perfect machinery, would be valueless without such condition. The right hon. Baronet had generally stated his desire to act on this indispensable principle; he felt, therefore, the less apprehension that he would decline at present stating to the House in what manner he proposed to carry this principle out. He would, therefore, both for his own satisfaction, and he supposed also for that of the public, ask the right hon. Baronet, whether he intended to lay the charter of incorporation and statute on the Table of the House early in the ensuing Session; and, in forming the governing body of the Colleges, whether he proposed to constitute one central body, or several local bodies, and of whom such body or bodies, when formed, were to be composed?

Sir *James Graham* stated, that as only a few days had elapsed since the Royal Assent had been given to the Act for the establishment of new Colleges in Ireland, the charter for the incorporation of these Colleges had not yet been prepared. It was the intention, as it would be the duty of Her Majesty's Government to lay copies of those charters before both Houses of Parliament. Instead of one visitatorial board, it was intended to appoint separate visitatorial boards for each district, those boards to be composed of lay and clerical persons, locally acquainted with the wants of each district. The right hon. Baronet took this opportunity of stating, in answer to a question put to him a few nights since, by the hon. Member for Finsbury (Mr. T. Duncombe), with respect to the infringement of the recent Statute by the employment of females in the collieries near Prescott—the fact had been stated correctly by the hon. Member for Finsbury; and the parties who had been guilty of the infringement of the law, were now in course of prosecution by the colliery inspectors.

THE QUEEN'S VISIT TO THE CONTINENT.] Mr. *Borthwick* said, the right hon. Baronet who had just sat down had given him a lesson in Parliamentary tactics which he would not fail on a proper occasion to put in practice. What was most important was, that he the right hon. Baronet (Sir J. Graham) had made it impossible for him to bring under the consideration of the House, and of the right hon. Gentleman who had just entered (Sir R. Peel), the great constitutional question alluded to in the Notice which stood in his name. He meant the necessity of appointing Lords Justices in cases of the temporary absence of Her Most Gracious Majesty from her dominions, according to the Constitution and invariable usage of the realm. The noble Lord the Member for the city of London, had in the course of a speech delivered a few nights ago, with a delicacy at once and a courage which well became his position and his name, made a pointed allusion to this grave matter. The right hon. Gentleman the Home Secretary had in his reply made no observation whatever upon that part of the noble Lord's speech; and he had been in hopes that the silence he alluded to indicated, if not acquiescence in the noble Lord's views, at least that the subject was under the serious consideration of the Government. There was not time left for him now to enter at all upon the subject in detail; but his duty compelled him to say thus much. Notwithstanding the high authorities which he had seen alleged in favour of the opposite opinion, he believed that the Constitution as well as practice required the authority of the Crown to be exercised within the realm. Constitutional law, like civil law, was to be interpreted not only by the written maxim of the Statute, but by the unwritten authority of prescription. From the earliest periods to which the Constitution of England could be, traced there was not one exception to sanction the absence of the Sovereign without a delegated power to act in certain cases. The Act of Settlement, indeed, in so far as it bound the Sovereign to remain within the realm, unless by special sanction of Parliament, had been repealed. But the great constitutional principle for which he contended, namely, that the functions of the Crown could only be exercised within the realm, interwoven as that principle was with the whole frame of the State, and sanctioned without a single exception as he had shown it to be by uniform precedent, had never been altered or repealed. He

could not hope, from all he heard, at this period to do more than record a protest; but his object would be to a great extent gained, if he obtained from the right hon. Baronet some assurance that the present example would not be drawn into a precedent for future times. That he might be able to obtain that assurance he would now say no more, except to congratulate the House and the country that in the present state of things there was not likely to arise any practical evil, such as had existed before, and as might befal posterity, if the integrity of the principle for which he contended was not maintained. He prayed, as did all her subjects, with one heart, for the happiness and safety of the Queen.

Sir *R. Peel*: I hope the hon. Gentleman will not attribute the abruptness of my reply to any want of courtesy towards him, but rather to the shortness of the time which I can now occupy the attention of the House. I will begin at once by saying that the hon. Gentleman is wrong on every single point which he has thought proper to advance. First of all, he is wrong, utterly wrong, in point of precedent. He said that there was no instance where the Sovereign had been absent from the realm, and where a Commission of the Lords Justices had not been appointed. Now, Sir, that is not the fact. The hon. Gentleman says he will go back to the earliest periods of the history of our Constitution. I cannot say what he means by Constitution, but there are instances within—

Here the Usher of the Black Rod appeared at the Table, and summoned the House to appear in the House of Lords, to hear Her Majesty prorogue the Parliament.

Mr. Speaker, followed by the Members present, proceeded forthwith to the House of Lords, and on his return read Her Majesty's Speech; after which the House separated at eighteen minutes past two o'clock, and the Parliament stood prorogued.

DIVISION IN COMMITTEE ON THE ROMAN CATHOLIC RELIEF BILL.

See page 289.

List of the AYES.

Aglionby, H. A.
Arundel and Surrey, Earl of
Bellew, R. M.
Blake, M. J.
Bouverie, H. E. P.
Brotherton, J.
Browne, hon. W.
Chapman, B.
Christie, W. D.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
D'Eyncourt, rt. hn. C. T
Duncan, G.
Dundas, A.
Escott, B.
Esmonde, Sir T.
Forster, M.
Gill, T.
Hawes, B.
Hill, Lord M.
Hindley, C.
Hume, J.
Jervis, J.
Labouchere, rt. hn. H.
Mangles, R. D.
Marshall, W.
Mitcalfe, H.
Mitchell, T. A.
O'Brien, J.
Ogle, S. C. H.
Philips, G. R.
Rawdon, Col.
Redington, T. N.
Ross, D. R.
Russell, Lord J.
Sheil, rt. hn. R. L.
Smith, J. A.
Smythe, hon. G.
Somerville, Sir W. M.
Stansfield, W. R. C.
Tufnel, H.
Wakley, T.
Warburton, H.
Wawn, J. T.
Williams, W.
Yorke, H. R.

TELLERS.

Watson ‖ W.
O'Connell, M. J.

List of the NOES.

Acland, Sir T. D.
Acton, Col.
Alford, Visct.
Arkwright G.
Austen, Col.
Baillie, Col.
Baird, W.
Balfour, J. M.
Barkly, H.
Baring, H. B.
Baring, rt. hn. W. B.
Bentinck, Lord G.
Bernard, Visct.
Blackburne, J. I.
Bodkin, W. H.
Borthwick, P.
Bowles, A.
Brisco, M.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H. L.
Burrell, Sir C. M.
Cardwell, E.
Carew, W. H. P.
Clerk, rt. hn. Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Cole, hon. H. A.
Corry, rt. hn. H.
Cripps, W.
Darby, G.
Denison, E. B.
Emlyn, Visct.
Farnham, E. B.
Fitzroy, hon. H.
Flower, Sir J.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, Capt.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, hn. Sir J.
Granby, Marquess of
Greene, T.
Grimston, Visct.
Grogan, E.
Halford, Sir H.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Henley, J. W.
Herbert, rt. hn. S.
Hodgson, F.
Hope, G. M.
Houldsworth, T.
Hughes, W. B.
Hussey, T.
Jermyn, Earl
Jocelyn, Visct.
Knightley, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lowther, Sir J. H.
Lygon, hon. Gen.
Mackenize, W. F.
M'Neill, D.
Masterman, J.
Meynell, Capt.
Nicholl, rt. hn. J.
Packe, C. W.
Patten, J. W.
Peel, rt. hn. Sir R.
Pennant, hon. Col.
Pringle, A.
Rashleigh, W.
Rolleston, Col.
Shaw, rt. hn. F.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Spooner, R.
Sutton, hon. H. M.
Tennent, J. E.
Trench, Sir F. W.
Trotter, J.
Waddington, H. S.
Wellesley, Lord C.
Young, J.

TELLERS.

Inglis, Sir R. H.
Newdegate, C. N.

A TABLE OF ALL THE STATUTES

Passed in the FIFTH Session of the FOURTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

8° & 9° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-five.

II. An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, until the Tenth Day of *October* One thousand eight hundred and forty-five.

III. An Act for the Appointment of Constables or other Officers for keeping the Peace near public Works in *Scotland*.

IV. An Act to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices.

V. An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-six, certain Duties on Sugar imported into the United Kingdom.

VI. An Act to repeal the Duties and Laws of Excise on Glass.

VII. An Act to repeal the Duties of Customs due upon the Exportation of certain Goods from the United Kingdom.

VIII. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

IX. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

X. An Act to make certain Provisions for Proceedings in Bastardy.

XI. An Act for assigning Sheriffs in *Wales*.

XII. An Act to alter and amend certain Duties of Customs.

XIII. An Act to repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof.

XIV. An Act to exempt Ships carrying Passengers to *North America* from the Obligation of having on board a Physician, Surgeon, or Apothecary.

XV. An Act to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the United Kingdom.

XVI. An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature.

XVII. An Act for consolidating in one Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature in *Scotland*.

XVIII. An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature.

XIX. An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in *Scotland*.

XX. An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways.

XXI. An Act to amend an Act of the Fifty-third of *George* the Third, for appointing a Stipendiary Magistrate for the Townships of *Manchester* and *Salford*; and to provide a Stipendiary Magistrate for the Division of *Manchester*.

XXII. An Act to enable the Commissioners of *Greenwich* Hospital to widen and improve *Fisher Lane* in *Greenwich*; and for other Purposes connected with the Estates of the said Commissioners.

XXIII. An Act for raising the sum of Nine millions three hundred and seventy-nine thousand six hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-five.

XXIV. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-six.

XXV. An Act to amend Two Acts passed in *Ireland* for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the College established

at *Maynooth* for the education of such Persons, and also an Act passed in the Parliament of the United Kingdom for amending the said Two Acts.

XXVI. An Act to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters of *Scotland*.

XXVII. An Act to amend the Act to establish Military Savings Banks.

XXVIII. An Act to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations.

XXIX. An Act to regulate the Labour of Children, young Persons, and Women, in Print Works.

XXX. An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council.*

XXXI. An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in *Scotland*.

XXXII. An Act to alter and amend the Laws enabling Justices of the Peace in certain Cases to borrow Money on Mortgage of the County Rates, so far as the same relate to the County of *Middlesex*.

XXXIII. An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in *Scotland*.

XXXIV. An Act for abolishing the Separate Seal Office of the Courts of Queen's Bench and Common Pleas.

XXXV. An Act to simplify the Form and diminish the Expence of obtaining Infeftment in Heritable Property in *Scotland*.

XXXVI. An Act to continue for Five Years and to amend the Acts for authorizing a Composition for Assessed Taxes.

XXXVII. An Act to regulate the Issue of Bank Notes in *Ireland*, and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of *Ireland* for the Public Service.

XXXVIII. An Act to regulate the Issue of Bank Notes in *Scotland*.

XXXIX. An Act to amend the Law of Arrestment of Wages in *Scotland*.

XL. An Act for amending an Act for making Provision for Parish Schoolmasters in *Scotland*.

XLI. An Act for amending the Laws concerning Highways, Bridges, and Ferries in *Scotland*, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money.

XLII. An Act to enable Canal Companies to become Carriers of Goods upon their Canals.

XLIII. An Act for encouraging the Establishment of Museums in large Towns.

XLIV. An Act for the better Protection of Works of Art and Scientific and Literary Collections.

XLV. An Act to make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in *British North America* or in the Settlement of *Honduras* from loading any Part of their Cargo of Timber upon Deck.

XLVI. An Act for the Appointment of additional Constables for keeping the Peace near Public Works in *Ireland*.

XLVII. An Act for the further Prevention of the Offence of Dog Stealing.

XLVIII. An Act to substitute a Declaration for an Oath in Cases of Bankruptcy.

XLIX. An Act to settle an Annuity on Sir *Henry Pottinger*, Baronet, in consideration of his eminent Services.

L. An Act to facilitate the Recovery of Loans made by the *West India* Relief Commissioners.

LI. An Act to enable Archbishops and Bishops in *Ireland* to charge their Sees with the Costs incurred by them in defence of their Rights of Patronage, in certain Cases; and also to enable Tenants for Life and other Persons having limited Interests in Estates in *Ireland* to charge said Estates with the Costs incurred by them in asserting their Rights to Ecclesiastical Patronage, in certain Cases.

LII. An Act for the Relief of Persons of the Jewish Religion elected to Municipal Offices.

LIII. An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, certain Turnpike Acts.

LIV. An Act to amend the Laws in force in *Ireland* for Unions and Divisions of Parishes; for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same.

LV. An Act to continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland.

LVI. An Act to alter and amend an Act passed in the Third and Fourth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to enable the Owners of Settled Estates to defray the Expences of draining the same by way of Mortgage.*

LVII. An Act to extend the Indemnity of Members of Art Unions against certain Penalties.

LVIII. An Act to suspend until the First Day of *October* One thousand eight hundred and forty-six the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

LIX. An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.

LX. An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the end of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies.

LXI. An Act to make certain further Provisions for the Consolidation of Turnpike Trusts in *South Wales*.

LXII. An Act to make further Provisions as to Stock and Dividends unclaimed.

LXIII. An Act to facilitate the Completion of a Geological Survey of *Great Britain* and *Ireland*, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works.

LXIV. An Act to amend certain Regulations respecting the Retail of Spirits in *Ireland*.

LXV. An Act to determine the countervailing Duties payable on Spirits of the Nature of plain *British* Spirits, the Manufacture of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, imported into the United Kingdom; and to prohibit the Importation of rectified or compound Spirits from the said Islands.

LXVI. An Act to enable Her Majesty to endow new Colleges for the Advancement of Learning in *Ireland*.

LXVII. An Act for making further Regulations for more effectually securing the Correctness of the Jurors' Books in *Ireland*.

LXVIII. An Act to stay Execution of Judgment for Misdemeanors upon giving Bail in Error.

LXIX. An Act to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland*.

LXX. An Act for the further Amendment of the Church Building Acts.

LXXI. An Act to extend certain Provisions in the Act for consolidating and amending the Laws relating to Highways in *England*.

LXXII. An Act to render it unnecessary to keep up *Rothwell* Gaol, in the Honor of *Pontefract*, in the West Riding of the County of *York*.

LXXIII. An Act to enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the *Shrewsbury* and *Holyhead* Road.

LXXIV. An Act to amend an Act of the Seventh Year of King *William* the Fourth, for preventing the advertising of Foreign and other illegal Lotteries; and to discontinue certain Actions commenced under the Provisions of the said Act.

LXXV. An Act to amend an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law respecting defamatory Words and Libel*.

LXXVI. An Act to increase the Stamp Duty on Licenses to Appraisers; to reduce the Stamp Duties on Registry Searches in *Ireland*; to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament, for regulating the Issue of Bank Notes in *England*.

LXXVII. An Act to make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery, in certain Cases.

LXXVIII. An Act to provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law in *England*, for Loss of Fees and Emoluments.

LXXIX. An Act to continue until the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

LXXX. An Act for regulating the Criminal Jurisdiction of Assistant Barristers as to certain Counties of Cities and Counties of Towns in *Ireland*.

LXXXI. An Act to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*.

LXXXII. An Act to defray until the First Day of *August* One thousand eight hundred and forty-six the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*: to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

LXXXIII. An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*.

LXXXIV. An Act to repeal the several Laws relating to the Customs.

LXXXV. An Act for the Management of the Customs.

LXXXVI. An Act for the general Regulation of the Customs.

LXXXVII. An Act for the Prevention of Smuggling.

LXXXVIII. An Act for the Encouragement of *British* Shipping and Navigation.

LXXXIX. An Act for the registering of *British* Vessels.

XC. An Act for granting Duties of Customs.

XCI. An Act for the warehousing of Goods.

XCII. An Act to grant certain Bounties and Allowances of Customs.

XCIII. An Act to regulate the Trade of *British* Possessions abroad.

XCIV. An Act for the regulating the Trade of the *Isle of Man*.

XCV. An Act to exempt *Van Diemen's Land* from the Provisions of an Act, intituled *An Act for regulating the Sale of Waste Land belonging to the Crown in the* Australian Colonies.

XCVI. An Act to restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways.

XCVII. An Act to amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney in certain Cases.

XCVIII. An Act for facilitating the winding up the Affairs of Joint Stock Companies in *Ireland* unable to meet their pecuniary Engagements.

XCIX. An Act to amend an Act of the Tenth Year of His late Majesty King *George* the Fourth for consolidating and amending the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; and for other Purposes relating to the said Land Revenue.

C. An Act for the Regulation of the Care and Treatment of Lunatics.

CI. An Act to continue until the Fifth Day of *July* One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to alter and amend the said Acts.

CII. An Act to continue until the First Day of *January* One thousand eight hundred and fifty-one an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.

CIII. An Act to continue until the Thirty-first Day of *August* One thousand eight hundred and

forty-eight, and to the end of the next Session of Parliament, and to amend, an Act of the Fifth and Sixth Years of Her present Majesty, for permitting Wheat to be delivered from the Warehouse or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse.

CIV. An Act to empower the Commissioners of Her Majesty's Woods to appropriate to Building Purposes the Area of *Darby Court*, in the Parish of *Saint James Westminster*.

CV. An Act for amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery; and for providing for the Discharge of the Duties of the Subpœna Office after the Death, Resignation, or Removal of the present Patentee of that Office.

CVI. An Act to amend the Law of Real Property.

CVII. An Act for the Establishment of a Central Asylum for Insane Persons charged with Offences in *Ireland*; and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor in *Ireland*; and for appropriating the Lunatic Asylum in the City of *Cork* to the Purposes of a District Lunatic Asylum.

CVIII. An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the *Irish* Fisheries.

CIX. An Act to amend the Law concerning Games and Wagers.

CX. An Act for the better collecting Borough and Watch Rates in certain Places.

CXI. An Act to amend the Laws relating to the assessing of County Rates.

CXII. An Act to render the Assignment of satisfied Terms unnecessary.

CXIII. An Act to facilitate the Admission in Evidence of certain official and other Documents.

CXIV. An Act for the Abolition of certain Fees in Criminal Proceedings.

CXV. An Act for the appointing of a Taxing Master for the High Court of Chancery in *Ireland*.

CXVI. An Act for the Protection of Seamen entering on Board Merchant Ships.

CXVII. An Act to amend the Laws relating to the Removal of poor Persons born in *Scotland*, *Ireland*, the Islands of *Man*, *Scilly*, *Jersey*, or *Guernsey*, and chargeable in *England*.

CXVIII. An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for Defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain Cases.

CXIX. An Act to facilitate the Conveyance of Real Property.

CXX. An Act for facilitating Execution of the Treaties with *France* and the United States of *America* for the Apprehension of certain Offenders.

CXXI. An Act to amend and explain certain Provisions of an Act of the Third and Fourth Years of Her present Majesty, for annexing certain Parts of certain Counties of Cities to adjoining Counties, for making further Provision for Compensation of Offices in Boroughs, for limiting the Borough Rate, and for continuing an Act to restrain the Alienation of Corporate Property in *Ireland*.

CXXII. An Act to amend an Act, intituled *An Act to carry into execution a Convention between His Majesty and the Emperor of* Brazil, *for the Regulation and final Abolition of the* African *Slave Trade*.

CXXIII. An Act to authorize until the End of the next Session of Parliament an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.

CXXIV. An Act to facilitate the granting of certain Leases.

CXXV. An Act to continue until the Thirty-first day of *July* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*.

CXXVI. An Act to amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in *England*.

CXXVII. An Act for the better securing the Payment of Small Debts.

CXXVIII. An Act to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases.

CXXIX. An Act for raising the Sum of Nine millions and twenty-four thousand nine hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-five.

CXXX. An Act to apply the Sum of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-five, and to appropriate the Supplies granted in this Session of Parliament.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC

AND TO BE JUDICIALLY NOTICED.

i. AN Act to enable the Mayor and Commonalty and Citizens of the City of *London* to raise a Sum of Money at a reduced Rate of Interest, to pay off the Monies now charged on the Tolls and Duties payable by virtue of several Acts for improving the Navigation of the River *Thames* Westward of *London* Bridge, within the Liberties of the City of *London;* and to amend some of the said Acts.

ii. An Act for uniting the *Birmingham* and *Liverpool* Junction Canal Navigation Company with the *Ellesmere* and *Chester* Canal Company.

iii. An Act for altering and enlarging the Powers and Provisions of the Acts relating to the *Forth* and *Clyde* Navigation.

iv. An Act for the construction of a Dock, Wharf, Walls, and other Works, by the *Birkenhead* Dock Commissioners, at *Birkenhead* in the County of *Chester*.

v. An Act for amending the Acts relating to the Docks at *Kingston-upon-Hull,* and for enlarging one of the said Docks.

vi. An Act for paving, lighting, watching, cleansing, and otherwise improving the Parish of *Wallasey* in the County of *Chester;* and for establishing a Police, and also a Market, within the said Parish; and for other Purposes.

vii. An Act to incorporate the Members of the Institution called "The *London* Orphan Asylum," and to enable them the better to carry on their charitable Designs.

viii. An Act to enable the Corporation of the Amicable Society for a perpetual Assurance Office to lend Money upon Mortgage for the Purpose of Investment, and also to confer other Powers upon the said Society.

ix. An Act for repairing the Road from the South End of *Sparrows Herne* on *Bushey Heath,* through *Watford, Berkhampstead Saint Peter,* and *Tring,* in the County of *Hertford,* into the Town of *Aylesbury* in the County of *Buckingham.*

x. An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from *Bromyard* to *Stourport,* at or near to *Stanford Bridge* in the Parish of *Stanford,* to the Turnpike Road leading from *Clifton* to *Worcester* at or near to *Ham Bridge* in the Parish of *Clifton-on-Teme* in the County of *Worcester.*

xi. An Act to amend the Acts relating to the Docks and Harbour of *Liverpool.*

xii. An Act to alter the Provisions of an Act for lighting with Gas the Town of *Bradford* and the Neighbourhood thereof, within the Parish of *Bradford* in the West Riding of the County of *York.*

xiii. An Act for abolishing the *Sunday* Toll authorized by an Act passed in the Sixth Year of the Reign of His late Majesty King *George the* Third, intituled *An Act for paving the Streets and Lanes in the* Town and *Borough of* Southwark, *and certain Parts adjacent in the County of* Surrey, *and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein;* and for altering and amending the same Act; and for other Purposes.

xiv. An Act for completing the Line of the *Glasgow, Parkhead,* and *Woodend* Turnpike Roads, for incorporating the same with the Roads under the Charge of the *Glasgow* and *Shotts* Road Trustees, and for the further Improvement and Maintenance of the said several Roads.

xv. An Act for the better paving, lighting, and improving the Borough of *Chester,* and for establishing new Market Places therein.

xvi. An Act for establishing a Market in the Town and Borough of *Stoke-upon-Trent* in the County of *Stafford.*

xvii. An Act for amending the Acts relating to the Street leading to *Clerkenwell Green;* and for extending such Street, and making new Streets out of the same.

xviii. An Act for the better lighting the Town and Suburbs of *Paisley* with Gas.

xix. An Act for granting more effectual Powers for supplying with Water the Inhabitants of the Town and County of the Town of *Nottingham,* and certain Places adjacent thereto, in the County of *Nottingham.*

xx. An Act to authorize the Erection of Sea Walls and Works, and a Jetty, at the Town or Parish of *Cromer* in the County of *Norfolk,* and otherwise to provide for protecting the said Town and Parish from the further Encroachment of the Sea.

xxi. An Act for the better ascertaining and collecting the Poor and other Rates in the Parish of *Battersea* in the County of *Surrey.*

xxii. An Act to carry into effect an Arrangement between the Corporation of the Royal Naval School and the Committee for managing the Patriotic Fund for the Admission of Pupils into the said School.

xxiii. An Act to alter and enlarge the Powers and Provisions of the Acts for making a Dock or Docks at *Southampton.*

xxiv. An Act to amend the Acts for building a Bridge over the *River Avon,* from *Clifton* to the opposite Side of the River in the County of *Somerset.*

xxv. An Act for improving and maintaining the Harbour or Port of *Boddam in the County of Aberdeen.*

xxvi. An Act for enabling *William Jackson* Esquire to build and maintain a new Church in the Township of *Claughton-cum-Grange* in the County of *Chester.*

xxvii. An Act for enabling *William Potter* Esquire to build and maintain a new Church in the Township of *Claughton-cum-Grange* in the County of *Chester*.

xxviii. An Act to enable the North *British* Insurance Company to purchase Annuities, to take and hold Property, and to invest Money and Stock upon Mortgage; and for other Purposes relating to the said Company.

xxix. An Act for the better Regulation and Management and for the Extension of the Slaughter Houses and Market Accommodation in the City of *Glasgow*; and for other Purposes in relation thereto.

xxx. An Act for repairing certain Roads between *Stokenchurch* and the Borough of *New Woodstock* in the County of *Oxford*, and several other Roads communicating therewith.

xxxi. An Act to enable the *Glasgow, Garnkirk*, and *Coatbridge* Railway Company to improve the Gauge of their Rails.

xxxii. An Act for making a Railway from the *Lancaster and Carlisle* Railway to *Birthwaite* in the Parish of *Windermere*, to be called "The *Kendal and Windermere* Railway."

xxxiii. An Act for completing the Line of the *Chester and Holyhead* Railway, and for amending the Act relating to the said Railway.

xxxiv. An Act for enabling the *York and North Midland* Railway Company to alter the Line of the *York and Scarborough* Railway near the City of *York*.

xxxv. An Act for extending the *Manchester, Bury, and Rossendale* Railway to the Towns of *Blackburn, Burnley, Accrington*, and *Colne*.

xxxvi. An Act for making a Railway from *Leeds* by *Dewsbury* to *Huddersfield*, all in the West Riding of the County of *York*, and for improving the Communication by Railway between the Towns of *Leeds and Huddersfield*, in the Town of *Manchester*.

xxxvii. An Act for making a Railway from the Town of *Dunstable* to join the *London and Birmingham* Railway near *Leighton Buzzard* in the County of *Bedford*.

xxxviii. An Act for enabling the *Leeds and Bradford* Railway Company to make a Railway from *Shipley* to *Colne*, with a Branch to *Haworth*.

xxxix. An Act for making a Railway from *Huddersfield* in the West Riding of the County of *York* to or near *Penistone* in the same Riding, there to form a Junction with the *Sheffield, Ashton-under-Lyne, and Manchester* Railway, to be called "The *Huddersfield and Sheffield Junction* Railway."

xl. An Act for making a Railway from the *Great Western* Railway at or near *Reading* to the Towns of *Newbury* and *Hungerford*, and also to join the *South-western* Railway at or near *Basingstoke*.

xli. An Act for the Consolidation of the *Yarmouth and Norwich* and *Norwich and Brandon* Railway Companies, and for authorizing the Construction of certain Works at *Norwich* in connexion with the *Yarmouth and Norwich* Railway.

xlii. An Act for making a Railway from *Shrewsbury* in the County of *Salop* to *Ruabon*, in the County of *Denbigh*, to be called "The *Shrewsbury, Oswestry, and Chester Junction* Railway."

xliii. An Act for making a Railway from the Town of *Bedford* to join the *London and Birmingham* Railway near *Bletchley* in the County of *Buckingham*.

xliv. An Act for making a Railway from *Blackburn* to *Bolton* in the County of *Lancaster*, to be called "The *Blackburn, Darwen, and Bolton* Railway."

xlv. An Act for making a Railway from *Lowestoft* in the County of *Suffolk* to the *Yarmouth and Norwich* Railway at *Reedham* in the County of *Norfolk*, and for improving the Harbour of *Lowestoft*.

xlvi. An Act to enable the *Monkland and Kirkintilloch* Railway Company to improve the Gauge of their Rails.

xlvii. An Act to authorize the *Newcastle-upon-Tyne and North Shields* Railway Company to make a Railway from *North Shields* to the Village of *Tynemouth*, and also a Branch from the present Line to the public Quay adjoining the River *Tyne* at *Newcastle*.

xlviii. An Act for making a Railway from *Ely* to *Huntingdon*.

xlix. An Act to empower the *Midland* Railway Company to extend the said Railway from *Nottingham* to *Newark* and *Lincoln*.

l. An Act for making a Railway from a Place in the Parish of *Bole* in the County of *Nottingham*, near to the Town and Port of *Gainsborough*, to the Town and Port of *Great Grimsby* in the Parts of *Lindsey* in the County of *Lincoln*, with Branches to the District or Place called *New Holland*, and to the Town of *Market Rasen*, to be called "The *Great Grimsby and Sheffield Junction* Railway."

li. An Act for making a Branch Railway from the *Hull and Selby* Railway to *Bridlington*, and for other Purposes relating to the *Hull and Selby* Railway.

lii. An Act to enable the *Brighton, Lewes, and Hastings* Railway Company to make a Branch Railway from *Southover, Lewes*, to join the *London and Brighton* Railway at *Keymer*.

liii. An Act for making a Railway from the *Great Western* Railway to the City of *Salisbury* and Town of *Weymouth*, with other Railways in connexion therewith, to be called "The *Wilts, Somerset, and Weymouth* Railway."

liv. An Act for amending the Acts relating to the *Manchester and Leeds* Railway, and for making a Branch therefrom to *Burnley*, and for extending the *Oldham* and *Heywood* Branches.

lv. An Act for making a Railway from *Lynn* to *Ely*, with Branches therefrom.

lvi. An Act to empower the *Midland* Railway Company to make a Branch from the said Railway near *Syston* in the County of *Leicester* to the City of *Peterborough*.

lvii. An Act for authorizing the Sale of the *Whitby and Pickering* Railway to the *York and North Midland* Railway Company, and for enabling the said Company to make certain Deviations or Alterations in the Line of the *Whitby and Pickering* Railway.

lviii. An Act for enabling the *York and North Midland* Railway Company to make a Branch Railway from the Line of the *York and Scarborough* Railway, in the Township of *Seamer*, to *Bridlington*.

lix. An Act for amending an Act of the Forty-first Year of the Reign of His Majesty King *George* the Third relating to the Port of *Newcastle-upon-Tyne*; and for granting further Powers, and for establishing and maintaining an effi-

cient River Police, and for regulating the said Port.

lx. An Act for constructing Docks, Walls, Warehouses, and other Works in *Birkenhead*.

lxi. An Act for constructing Docks at *Wexford*, to be called "The *Castle Hill* Docks," and for the Regulation and Management thereof.

lxii. An Act to amend the Acts relating to the *Hungerford* and *Lambeth* Suspension Foot Bridge Company, hereafter to be called "The *Charing Cross Bridge* Company," and for granting further Powers to the said Company.

lxiii. An Act for better supplying with Gas the Township of *Pudsey* and the Village of *Farsley*, and the Neighbourhood thereof, all in the Parish of *Calverley* in the West Riding of the County of *York*.

lxiv. An Act for better supplying with Gas the Borough of *Devonport*.

lxv. An Act for better supplying with Gas the Town and Neighbourhood of *Plymouth*.

lxvi. An Act to enlarge the Powers of the *Birmingham* and *Staffordshire* Gas Light Company.

lxvii. An Act for better supplying with Gas the Town and Neighbourhood of *Taunton* in the County of *Somerset*.

lxviii. An Act for better supplying with Water the Towns of *Scarborough* and *Falsgrave* in the Parish of *Scarborough* in the County of *York*.

lxix. An Act for uniting the *Vauxhall* and *Southwark* Water Companies into One Company, to be called The *Southwark* and *Vauxhall* Water Company, and for extending the Works of the said Company.

lxx. An Act to alter, enlarge, and amend an Act for supplying with Water the Town and Neighbourhood of *Huddersfield* in the West Riding of the County of *York*.

lxxi. An Act for supplying the Borough and County of *Newcastle-upon-Tyne* and the Borough of *Gateshead* in the County of *Durham*, and the Neighbourhoods thereof, with Water, from *Whittle Dean* in the Parish of *Ovingham*, and other Places in *Northumberland*.

lxxii. An Act to enable the *Shaws* Water Joint Stock Company to increase the Supply of Water for driving Mills and Machinery near the Town of *Greenock*, and for the Use of the Inhabitants of the said Town and Harbours thereof.

lxxiii. An Act to regulate the loading of Ships with Coals in the Port of *Newcastle-upon-Tyne*.

lxxiv. An Act for better assessing and collecting the Poor Rates, Highway Rates, and Church Rates in the Parish of *Hemel Hempsted* in the County of *Hertford*.

lxxv. An Act to alter and extend some of the Provisions contained in the Act of Parliament constituting "The Standard Life Assurance Company."

lxxvi. An Act for conferring on the *Edinburgh* Life Assurance Company certain Privileges of a Corporate Body, and as such to sue and be sued, to hold Property, and for other Purposes relating thereto.

lxxvii. An Act for amending the Act establishing "The West of *London* and *Westminster* Cemetery Company;" and for enabling the Company to raise a further Sum of Money.

lxxviii. An Act to enable the Master, Wardens, and Commonalty of Watermen and Lightermen of the River *Thames* to invest their Poor's Fund and the Endowment Fund of the Free Watermen and Lightermen's Asylum in the Purchase of Land or on Mortgage, and to hold Lands for the Purposes of the said Funds.

lxxix. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Crediton* in the County of *Devon*, and other Places in the same County.

lxxx. An Act to authorize the *London and Greenwich* Railway Company to let on Lease the *London and Greenwich* Railway, and for amending the Acts relating to such Railway.

lxxxi. An Act for making a Railway from *Belfast* to *Ballymena* in the County of *Antrim*, with Branches to *Carrickfergus* and *Randalstown*.

lxxxii. An Act to empower the *North British* Railway Company to purchase the *Edinburgh and Dalkeith* Railway, and to alter Part of the Line of the said Railway and of the *North British* Railway, and to construct certain Branch Railways in connexion therewith.

lxxxiii. An Act to enable the *Lancaster and Carlisle* Railway Company to alter the Line of such Railway, and to make a Branch therefrom; and for other Purposes relating thereto.

lxxxiv. An Act for enabling the *York and North Midland* Railway Company to make a Railway from the Line of the *York and North Midland* Railway to *Harrogate*.

lxxxv. An Act for making a Railway from the *Eastern Counties and Thames* Junction Railway, near the Mouth of the River *Lea*, to *North Woolwich*.

lxxxvi. An Act for authorizing the Sale of the *Guildford Junction* Railway.

lxxxvii. An Act for making a Railway from *Waterford* to *Kilkenny*, with a Branch to *Kells*, in the County of *Kilkenny*.

lxxxviii. An Act for making a Railway from *Exeter* to *Crediton* in the County of *Devon*.

lxxxix. An Act for improving the Navigation of the River and Bay leading to the Borough of *Bridgewater*; for maintaining the present Bridge, and extending the Quays within the Borough; and for forming a Communication by Road and by Railway between the Quays and the *Bristol and Exeter* Railway.

xc. An Act for authorizing the Consolidation of the *Sheffield and Rotherham* Railway with the *Midland* Railways, and for making a Branch Railway from and other Works in connexion with the said *Sheffield and Rotherham* Railway.

xci. An Act to amend the Acts relating to the *Edinburgh and Glasgow* Railway; and to authorize the Formation of additional Branches.

xcii. An Act for enabling the *Newcastle and Darlington Junction* Railway Company to purchase the *Brandling Junction* Railway; and to enable the said Company to make certain Branch Railways, Stations, and Works; and for other Purposes.

xciii. An Act for making a Railway from *Southampton* to *Dorchester*, with a Branch to the Town of *Poole*.

xciv. An Act to amend the Act relating to the *Eastern Union* Railway Company, and to raise a further Sum of Money for the Purposes of the said Undertaking.

xcv. An Act to authorize an Extension of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway to near *Cumnock*; and to amend the Acts relating to such Railway.

xcvi. An Act for effecting a Railway Communication between *Dundalk* and *Enniskillen*.

xcvii. An Act for making a Railway from the *Eastern Union* Railway at *Ipswich* to *Bury Saint Edmunds*.

xcviii. An Act for making a Railway from *Londonderry* to *Enniskillen*.

xcix. An Act to authorize the *Chester and Birkenhead* Railway Company to extend the said Railway from *Grange Lane* to *Bridge End*, all in *Birkenhead;* and to amend the Acts relating to the said Railway.

c. An Act for making a Railway from *Whitehaven* in the County of *Cumberland* to a Point of Junction with the *Furness* Railway in the Parish of *Dalton* in the County Palatine of *Lancaster*, to be called "The *Whitehaven and Furness Junction* Railway."

ci. An Act for amending the Act relating to the *Manchester, Bury, and Rossendale* Railway.

cii. An Act to enable the *Great North of England* Railway Company to make a Branch Railway, to be called "The *Great North of England and Richmond* Railway," in the County of York.

ciii. An Act for altering the Line of the *Blackburn and Preston* Railway; and for amending the Act relating thereto.

civ. An Act for making a Railway from *Leeds* to *Thirsk*, with Branches therefrom.

cv. An Act for making a Railway from the *Sheffield, Ashton-under-Lyne, and Manchester* Railway at *Stalybridge* to the *Manchester and Leeds* Railway at *Kirkheaton*, with a Branch therefrom; and for consolidating into One Undertaking the said proposed Railway and the *Huddersfield* Canal Navigation.

cvi. An Act for making and maintaining a Railway from *Porth Dyllaen* in the Parish of *Edern* to *Bangor* in the County of *Carnarvon*, to be called "The *North Wales* Railway."

cvii. An Act to amend the Act relating to the *Taw Vale* Railway and Dock.

cviii. An Act for making a Railway to connect the *Manchester and Birmingham*, and *Sheffield, Ashton-under-Lyne, and Manchester* Railways, near *Guides Bridge;* and for other Purposes connected with the said *Manchester and Birmingham* Railway.

cix. An Act for amending the Act relating to the *Ashton, Stalybridge, and Liverpool Junction* Railway, and for making a Branch therefrom to *Ardwick*.

cx. An Act to enable the *Eastern Counties* Railway Company to make a Deviation from the Line of their authorized Railway between *Ely* and *Peterborough*.

cxi. An Act for making a Railway to connect the *Manchester and Birmingham* and *Liverpool and Manchester* Railways in the Parish of *Manchester*, and also to *Altrincham* in the County of *Chester*, to be called "The *Manchester South Junction and Altrincham* Railway."

cxii. An Act for making a Railway from *Stafford* to *Rugby*.

cxiii. An Act for making a Branch Railway from the *London and Brighton* Railway to or near to the Town of *Horsham* in the County of *Sussex*.

cxiv. An Act to amend the Act relating to the *Ulster* Railway Company; and to enable the said Company to make a Railway from *Portadown* to *Armagh*.

cxv. An Act to authorize the *North Wales* Mineral Railway Company to extend their Line to *Ruabon*, and to make a Branch Railway from *Rhos Robin* to *Minerva*, and to raise additional Capital for those Purposes.

cxvi. An Act for enabling the *North Union* Railway Company and the *Ribble* Navigation Company to make a Branch or Connexion Railway from the *North Union* Railway to the *Victoria* Quay in *Preston;* and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway and Navigation respectively.

cxvii. An Act for uniting the *Sankey Brook* Navigation with the *Saint Helens and Runcorn Gap* Railway; and for other Purposes.

cxviii. An Act for enabling the *Great North of England, Clarence, and Hartlepool* Junction Railway Company to make a Branch Railway; and for amending the Acts relating to the said Railway.

cxix. An Act for making a Railway from *Dublin* to *Mullingar* and *Longford*, to be called "The *Midland Great Western* Railway of *Ireland*."

cxx. An Act for making a Railway from the Market Town of *Cockermouth* to the Port and Harbour of *Workington* in the County of *Cumberland*.

cxxi. An Act for making a Railway from *Richmond* in the County of *Surrey* to the *Southwestern* Railway at *Battersea* in the same County, to be called "The *Richmond* Railway."

cxxii. An Act for making a Railway from *Cork* to *Bandon*.

cxxiii. An Act for enabling the *Liverpool and Manchester* Railway Company to extend and enlarge the said Railway, and to make certain Branch Railways, and for amending and enlarging the Powers of the several Acts relating to the said Railway.

cxxiv. An Act to authorize the Extension of the *Great Southern and Western* Railway to the City of *Cork*, with a Branch Railway to the City of *Limerick*.

cxxv. An Act to amend the several Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company; and to enable the said Company to make Three several Branch Railways.

cxxvi. An Act for making a Railway from *Lynn* to *East Dereham*.

cxxvii. An Act for making a Railway from *Middlesbro'* to or near the Town of *Redcar* in the North Riding of the County of *York*, to be called "The *Middlesbro'* and *Redcar* Railway."

cxxviii. An Act to enable the *Dublin and Drogheda* Railway Company to make a Branch Railway to *Howth;* and to amend the Acts relating to such Company.

cxxix. An Act for making a Railway from the Town of *Newry* to the Town of *Enniskillen*.

cxxx. An Act for making a Railway from *Drogheda* to *Portadown*, with a Branch to *Navan*.

cxxxi. An Act for making and maintaining a Railway from the City of *Waterford* to the City of *Limerick*, with Branches.

cxxxii. An Act for lighting with Gas the Town and Township of *Glossop* in the County of Derby.

cxxxiii. An Act for consolidating the Management of the Bridges over the *Clyde* at *Glasgow;* for rebuilding the Bridge over the said River opposite *Stockwell Street* in the City of *Glasgow;* for erecting a temporary Bridge for the Use of the Public; for erecting across the said River an Iron Bridge for Foot Passengers, on the existing Bridge opposite to *Portland Street* of *Laurieston* being taken down; and other Purposes.

cxxxiv. An Act for improving the Markets in the Borough and Town of *Totnes* in the County of *Devon*, and for better supplying the Borough with Water.

cxxxv. An Act for better supplying with Water the Town of *Wolverhampton* in the County of *Stafford*.

cxxxvi. An Act for making Two new Streets, with Improvements and Waterworks, within the Town of *Lyme Regis* in the County of *Dorset*, and for watching and lighting the said Town.

cxxxvii. An Act for supplying with Water the Royal Burgh of *Dundee* and Suburbs thereof.

cxxxviii. An Act for better supplying with Water the Town and Township of *Blackburn* in the County Palatine of *Lancaster*.

cxxxix. An Act for amending the Acts relative to the improving of the Pier and Port of *Hartlepool* in the County of *Durham*.

cxl. An Act for making and maintaining Reservoirs in the Parish of *Kendal* in the County of *Westmoreland*.

cxli. An Act to effect Improvements in the Borough of *Manchester* for the Purpose of promoting the Health of the Inhabitants thereof.

cxlii. An Act for the Improvement of the Borough of *Belfast*.

cxliii. An Act for better paving, lighting, cleansing, regulating, and improving the Parish of *Saint Luke Chelsea* (exclusive of the District of *Hans Town*) in the County of *Middlesex*.

cxliv. An Act to make Provision for the Payment of the Debts of the Mayor, Jurats, Bailiffs, and Burgesses of the Borough of *Quinborowe* in the County of *Kent*; and for other Purposes.

cxlv. An Act for more effectually constituting and regulating the Court of Record within the Borough of *Manchester*, and for extending the Jurisdiction of the said Court.

cxlvi. An Act for regulating legal Proceeding by and against "The Reversionary Interest Society," and for granting certain Powers to the said Society.

cxlvii. An Act to facilitate the winding up of the Affairs of the Agricultural and Commercial Bank of *Ireland*.

cxlviii. An Act for altering and amending certain Acts relating to the *Forth* and *Clyde* Navigation and the *Edinburgh* and *Glasgow* Union Canal, and for forming a Junction between the said Navigation and Canal.

cxlix. An Act to amend an Act for draining the Low Grounds and Cars in the Parish of *Keyingham* and other Places in the East Riding of the County of *York*.

cl. An Act for making and maintaining in repair a complete Line of Turnpike Road from *Shepley Lane Head* to the *Barnesley* and *Grange Moor* Turnpike Road at or near *Redbrooke* Plantation in the Parish of *Darton*, all in the West Riding of the County of *York*.

cli. An Act for repairing and maintaining the Road from *Harwell* to *Streatley* in the County of *Berks*.

clii. An Act for making a Railway, to be called "The *Wear Valley* Railway," from and out of the *Bishop Auckland and Weardale* Railway to *Frosterley*, with a Branch terminating at or near *Bishopley Crag* in *Stanhope in Weardale*, all in the County of *Durham*.

cliii. An Act for making a Railway from *Aberdeen* to *Friockheim* and *Guthrie*, with Branch Lines to *Montrose* and *Brechin*, to be called "The *Aberdeen* Railway."

cliv. An Act for altering the Line of the *Norwich and Brandon* Railway, and for making a Branch therefrom to *East Dereham* in the County of *Norfolk*.

clv. An Act to amend the Acts relating to the *Bristol and Exeter* Railway, and to authorize the Formation of a Junction Railway and several Branch Railways connected with the same.

clvi. An Act for enabling the *London and Birmingham* Railway Company to take a Lease of the *West London* Railway.

clvii. An Act for making a Railway from the Royal Burgh of *Dundee* in the County of *Forfar* to the Royal Burgh or City of *Perth* in the County of *Perth*, to be called "The *Dundee and Perth* Railway."

clviii. An Act for making a Railway from *Burntisland* in the County of *Fife* to the City of *Perth*, with certain Branches therefrom, to be called "The *Edinburgh and Northern* Railway."

clix. An Act for making a Railway from the *Taff Vale* Railway near *Ynys Meyrick* to *Aberdare*, with a Branch therefrom, to be called "The *Aberdare* Railway."

clx. An Act for making a Railway from the Termination of the *Pollock and Govan* Railway at *Rutherglen* to *Hamilton*, and to the *Wishaw and Coltness* Railway at *Motherwell*, to be called "The *Clydesdale Junction* Railway."

clxi. An Act for making a Railway from the City of *Perth*, by *Stirling*, to the *Edinburgh and Glasgow* Railway, to be called "The *Scottish Central* Railway."

clxii. An Act for making a Railway from *Carlisle* to *Edinburgh and Glasgow* and the North of *Scotland*, to be called "The *Caledonian* Railway."

clxiii. An Act for making a Railway from *Newcastle-upon-Tyne* to *Berwick-upon-Tweed*, with Branches therefrom, to be called "The *Newcastle and Berwick* Railway."

clxiv. An Act for making a Railway from the *Edinburgh and Hawick* Railway to the Town of *Hawick* in the County of *Roxburgh*.

clxv. An Act to amend the Acts relating to the *London and South-western* Railway, and to authorize Extensions thereof from the *Nine Elms* Terminus to a Point near to *Waterloo* and *Hungerford* Bridges in the Parish of *Saint Mary Lambeth*, and to the *Thames* at *Nine Elms* in the Parish of *Battersea*, all in the County of *Surrey*.

clxvi. An Act for making a Railway from *Liverpool* to *Wigan*, *Bolton*, and *Bury*, with several Branches therefrom.

clxvii. An Act to enable the *South-eastern* Railway Company to make or complete a Branch Railway from the *South-eastern* Railway at *Tunbridge* to *Tunbridge Wells*.

clxviii. An Act to enable the Company of Proprietors of the *Thames* and *Medway* Canal to raise a further Sum of Money; and to amend the Acts relating to the said Company; and to enable the said Company to widen, extend, and maintain a Railway from *Gravesend* to *Rochester*.

clxix. An Act to authorize the Company of Proprietors of the *Monmouthshire* Canal Navigation to make a Railway from *Newport* to *Ponty Pool*; and to enlarge the Powers of the several Acts relating to the said Company.

clxx. An Act for making a Railway from the City or Royal Burgh of *Perth* to or near to the Town or Royal Burgh of *Forfar*.

clxxi. An Act to enable the *Manchester and Leeds* Railway Company to raise an additional Sum of Money; and to amend the several Acts relating to the said Company.

clxxii. An Act for making a Railway from the *Manchester and Leeds* Railway at *Wakefield* to the Towns of *Pontefract* and *Goole*, with certain Branches therefrom.

clxxiii. An Act for deepening, regulating, and otherwise improving *Falmouth* Harbour in the County of *Cornwall*, and for forming Basins, Docks, and other Works in *Penryn Creek* in the aforesaid Harbour; and for other Purposes.

clxxiv. An Act to alter and amend some of the Provisions of the Acts relating to the *Cromford* Canal.

clxxv. An Act for better supplying with Water the Town and Parish of *Sheffield* in the County of *York*; and for amending the Act relating thereto.

clxxvi. An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of *Saint Helens* in the County Palatine of *Lancaster*, and for establishing and regulating a Market therein.

clxxvii. An Act for more effectually paving, cleansing, lighting, and otherwise improving the Parish of *Saint Mary Magdalen Bermondsey*, in the County of *Surrey*.

clxxviii. An Act for improving Parts of the City of *Westminster*.

clxxix. An Act for embanking and reclaiming from the Sea certain Lands now under Water or subject to be overflowed by the Tide in the Lake, Lough, or Estuary called *Tacumshin* otherwise *Tacumshin Lake*, in the County of *Wexford*.

clxxx. An Act for extinguishing Garden Pennies, Small Tithes, and *Easter* Offerings within the Parish of *Saint Matthew Bethnal Green* in the County of *Middlesex*, and for providing a Fund for the Payment of the Stipend of the Rector of the said Parish.

clxxxi. An Act to rectify a Mistake in an Act of the present Session relating to the *Leeds and Bradford* Railway.

clxxxii. An Act for making a Railway to be called "The *Glasgow Junction* Railway," with Branches.

clxxxiii. An Act to enable the *Birmingham and Gloucester* Railway Company to make Extension Lines at *Gloucester*, a Branch at *Stoke Prior*, and a Junction with the *Midland* Railway at *Aston juxta Birmingham*.

clxxxiv. An Act for making a Railway from *Oxford* to *Worcester* and *Wolverhampton*.

clxxxv. An Act to amend the Acts relating to the *London and South-western* Railway; and to authorize the *London and South-western* Railway Company to buy, and the *Guildford Junction* Railway Company to sell, the *Guildford Junction* Railway.

clxxxvi. An Act to enable the *South-eastern* Railway Company to widen certain Parts of the *London and Greenwich Railway*.

clxxxvii. An Act for making a Railway from *Londonderry* to *Coleraine*, with a Branch to *Newtown Limavady*.

clxxxviii. An Act for making a Railway from the City of *Oxford* to the Town of *Rugby*.

clxxxix. An Act for making a Railway from the *Midland* Railway in the Parish of *Sawley* in the County of *Derby* to the Parish of *Alfreton* in the same County, together with several Branch Railways communicating therewith, to be called "The *Erewash Valley* Railway."

cxc. An Act for making a Railway to be called "The *South Wales* Railway."

cxci. An Act for making a Railway from *Monmouth* to *Hereford*, with Branches therefrom to *Westbury*, and to join the *Forest of Dean* Railway.

cxcii. An Act for making a Railway from *Glasgow* to *Crofthead* near the Town or Village of *Neilston*, to be called "The *Glasgow*, *Barrhead*, *and Neilston Direct* Railway."

cxciii. An Act to amend the Acts for regulating the Pipe Water of the City of *Dublin*, and to enable the Lord Mayor, Aldermen, and Burgesses of the Borough of the City of *Dublin* to extend the Supply of Pipe Water to the several Parishes or Portion of Parishes situate in the City and County of *Dublin*, and adjoining to the Borough of the said City of *Dublin*, but outside the Boundary thereof.

cxciv. An Act for lighting, draining, cleansing, and improving the Hamlets or Liberties of *Duddeston* and *Nechells* in the Parish of *Aston* near Birmingham in the County of *Warwick*.

cxcv. An Act for more effectually maintaining, improving, and repairing the Road leading from the City of *Glasgow* to *Yoker Bridge*, and certain Roads communicating therewith.

cxcvi. An Act to enable the *London and Croydon* Railway Company to widen and improve the *London and Croydon* Railway, and also a Portion of the *London and Greenwich* Railway.

cxcvii. An Act to enable the *South-eastern* Railway Company to alter and extend the *Canterbury*, *Ramsgate*, and *Margate* Branch of the said *South-eastern* Railway, and to make a Branch therefrom to *Deal*, and to purchase the *Canterbury and Whitstable* Railway; and for other Purposes connected with the said Railway.

cxcviii. An Act for consolidating the *Bolton and Leigh*, the *Kenyon and Leigh Junction*, the *Liverpool and Manchester*, and the *Grand Junction* Railway Companies.

cxcix. An Act for making a Railway from the *Brighton and Chichester* Railway to *Portsmouth*, with a Branch to *Fareham*.

cc. An Act to enable the *Brighton*, *Lewes*, *and Hastings* Railway Company to make a Railway from *Bulverhithe* in the County of *Sussex* to *Ashford* in the County of *Kent*.

cci. An Act for enabling the *Eastern Counties* Railway Company to make a Railway from *Cambridge* to *Huntingdon*.

ccii. An Act for making additional Docks and other Works at the Haven of the Town and Port of *Great Grimsby*; and for amending the Acts relating to the said Haven.

cciii. An Act for making a Railway from the *London and Blackwall* Railway at *Stepney* to the *Eastern Counties* Railway.

cciv. An Act for removing Doubts relating to the Collection of certain Portions of the Borough Rates of the City and County of *Bristol*.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for the disposing of Part of the Estates of the late *Charles Calvert* Esquire, in pursuance of the Directions of a certain Decree of the High Court of Chancery, and for confirming the sale of such Parts thereof as have been sold.
2. An Act for inclosing Lands in the Parish of *Foulmire* in the County of *Cambridge*.
3. An Act to empower *John Douglas Edward Henry* Duke of *Argyll* to charge the Dukedom and Estate of *Argyll* with certain Provisions to the Marchioness of *Lorne*, and to the younger Children of the Marriage between her and the Marquis of *Lorne*.
4. An Act for amending an Act of Parliament passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for confirming and carrying into effect a Partition and Division of the Real and Personal Estate of* William Molyneux *Esquire, deceased, and for other Purposes therein mentioned.*
5. An Act for enabling the Honourable *Percy Barrington*, Second Son of the Right Honourable *William Keppel* Viscount *Barrington*, a Minor, and *Louisa Higgins*, Spinster, also a Minor, to execute Settlements of the Fortune of the said *Louisa Higgins*, prior to and in contemplation of the Marriage between the said *Percy Barrington* and the said *Louisa Higgins*.
6. An Act to repeal so much of an Act for inclosing Lands in the Parish of *Saint Mary* in or near the Borough of *Leicester* as relates to the Regulation and Management of the Freemen's Allotments; and to make other Provisions in lieu thereof.
7. An Act for inclosing Lands in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*.
8. An Act for inclosing Lands in the Townships of *Spoad*, *Treverward*, *Purlogue*, *Menutton*, *Pentrehodrey*, *Hobarris*, and *Hobendrid* in the Parish of *Clun* within the Manor or Lordship of *Clun* in the County of *Salop*.
9. An Act to amend an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Division of the Rectory of* Winwick *in the County Palatine of* Lancaster.
10. An Act for authorizing Building Leases to be granted of Parts of the Estate devised by the Will of *William Turner*, Esquire, deceased, the Investment of Monies bequeathed by the same Will in the Purchase or on Mortgage of Real Estates, and for other Purposes.
11. An Act to alter and amend an Act of the Eleventh Year of King *George* the Fourth, for inclosing Lands in the Parishes of *Kidwelly*, *Saint Mary in Kidwelly*, *Saint Ishmael*, and *Pembrey*, in the County of *Carmarthen*.
12. An Act to extend the Provisions of an Act of the Eleventh Year of King *George* the Third, Chapter Ten, relating to *Morden College*.
13. An Act to authorize Grants in Fee and Leases for Long Terms of Years for Building Purposes of the Settled Estate of *John Hawkins* Esquire, deceased, situate in *Cheetham* in the Parish of *Manchester* in the County of *Lancaster*.
14. An Act to authorize the Sale of the Fee Simple of Part of the Settled Estates of Miss *Elizabeth Mainwaring Ellerker and* Miss *Harriett Mainwaring Ellerker* deceased, situate in the County of *York*, and for applying the Monies to arise by such Sale in Payment of Incumbrances affecting the said Estates, and laying out the Residue of such Monies in the Purchase of other Estates.
15. An Act for granting Building and Farming Leases of the Estates in *Surrey* devised by the Will of the Right Honourable *Frederick John* Lord *Monson* deceased; and for other Purposes.
16. An Act for vesting the Freehold and Copyhold Estates devised by the Wills of *Francis Gildart* and *John Gildart* Esquires, deceased, in Trustees for Sale.
17. An Act to enable the Trustees of Sir *Thomas White's* Charity Estates in the City of *Coventry* to make Sale of Part of such Charity Estates; and for other Purposes.
18. An Act for enabling *Richard Ellison* Esquire and his Trustees to grant Leases of the *Fossdyke* Navigation in the County of *Lincoln*; and for other Purposes.
19. An Act to amend an Act of the Fourth Year of King *George* the Third, for enabling the Vicar of *Rochdale* in the County of *Lancaster* to grant a Lease or Leases of the Glebe Lands belonging to the Vicarage.
20. An Act to enable the Warden and Scholars, Clerks of *Saint Mary College of Winchester* near *Winchester*, to carry into effect a Contract entered into by them for the Sale of certain Parts of the Estates belonging to the said College in the *Isle of Wight*, and to invest the Purchase Money in other Estates for the Benefit of the said College.
21. An Act for vesting certain Lands and other Hereditaments devised by the Will of Sir *Thomas Coxhead* deceased in Trustees, upon trust to sell the same, and to grant Leases thereof for building and other Purposes.
22. An Act to enable the Trustees of the Will of the late *William Henry Robinson* Esquire to raise Money by way of Mortgage of his Real Estates, for the Purposes therein mentioned.
23. An Act to enable Sir *Robert Keith Dick* of *Prestonfield* Baronet, Heir of Entail in possession of the Entailed Estates of *Prestonfield* and *Corstorphine* in the County of *Edinburgh*, to feu and sell certain Parts of the said Estates, and to bear the Surname of *Cunyngham* and Arms of "*Cunyngham* of *Lamburghtoun*" alongst with the Surname and Arms of *Dick* of *Prestonfield*.

24. An Act to enable the Assignees of the Estate of *Thomas Blayds Molyneux*, a Bankrupt, to sell his Real Estates, discharged from a Jointure, and certain Portions and Legacies charged thereon.
25. An Act to revive and extend the Powers of Sale and Exchange, and the Powers to make Conveyances in Fee and Demises for Building Purposes, respectively contained in the Will of *John Rigby Fletcher* Esquire, deceased, and to enable the Trustees to grant Leases of Coal and other Mines under the Lands devised by his said Will; and to authorize the Appointment of new Trustees of the Settlement thereby made of the Testator's Real Estate; and for other Purposes.
26. An Act for authorizing the Sale of certain Portions of the Real Estates devised by the Will and Codicils of *John Bowes* late Earl of *Strathmore*, and for authorizing the Purchase of other Real Estates, including Lands held for long Terms of Years, to be settled to the Uses of the said Will and Codicils, and for extending the Power of granting Mining Leases given by the said Will; and for other Purposes.
27. An Act to vest the Estates and Property constituting the Trust Estate of The Blue-Coat Charity School in *Birmingham* in the County of *Warwick* in new Trustees upon consolidated Trusts, and to provide for the Management of the said Estates and Property, and for the good Government of the said School; and for other Purposes.
28. An Act to carry into effect a Partition between *John Michael Severne* Esquire and *Anna Maria* his Wife, and others, of Estates in the Counties *of Worcester, Salop, Warwick, Oxford,* and *Leicester.*
29. An Act to enable the Trustees of the Will of the Most Noble *Francis* late Duke of *Bridgewater* to carry into execution certain Articles of Agreement made and entered into by them with the Right Honourable *Francis Egerton* commonly called Lord *Francis Egerton,* and to raise Money for the Purposes expressed in the said Articles of Agreement; and for other Purposes.
30. An Act for authorizing and enabling Sales to be made of Estates respectively situate in the Parishes of *Evercreech, East Pennard,* and in *Bruton,* and in other Parishes or Places in the County of *Somerset,* devised by the Will of *Thomas Sampson* Esquire, deceased; and for other Purposes.
31. An Act to authorize the Sale of Settled Estates of the Most Honourable the Marquis of *Donegall* in *Ireland,* in order to pay off Mortgage and other Incumbrances.
32. An Act for carrying into effect a Contract between the Governors and Trustees of Sir *William Palston's* Free School at *North Walsham* in the County of *Norfolk* and *Robert Rising* Esquire, for the Sale to the said *Robert Rising* of an Estate belonging to the said Governors and Trustees, and for applying Part of the Purchase Money in discharge of certain Debts due from them, and investing the Surplus in the Purchase of other Estates, to be settled to the same Trusts.
33. An Act for enlarging the Powers contained in the Will of the Most Honourable *Robert* Marquess of *Westminster* deceased to grant Building Leases of the Estates devised by the said Will, in the Parishes of *Saint George Hanover Square* and *Saint John the Evangelist* within the Liberty of *Westminster* in the County of *Middlesex;* and for other Purposes.

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34. An Act to dissolve the Marriage of *Thomas Britten* with *Jane Britten* his now Wife, and to enable him to marry again; and for other Purposes.
35. An Act to dissolve the Marriage of *Richard Heaviside* Esquire with *Mary* his now Wife, and to enable him to marry again; and for other Purposes.
36. An Act to dissolve the Marriage of *Thomas Henry Shuldham* Esquire with *Frances Anne Hamilton Shuldham* his now Wife; and for other Purposes.
37. An Act to dissolve the Marriage of *Charles Lestock Boileau* Esquire with *Margaret Boileau* his now Wife, and to enable him to marry again; and for other Purposes.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

IN THE FIFTH SESSION OF

THE FOURTEENTH PARLIAMENT OF THE UNITED KINGDOM,

8° & 9° VICTORIÆ,

1845.

EXPLANATION OF THE ABBREVIATIONS.

1R. *2R.* *3R.* First, Second, or Third Reading—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

*** It has seemed better, instead of incumbering this Index with a reference to Private Bills, upon which debate seldom occurs, to collect them in a table at the end, in form similar to the Paper issued by the House of Commons. The date will be a sufficient reference to the volume.

☞ *The * indicates that no Debate took place upon that Reading.*

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LIST OF
PUBLIC BILLS IN PARLIAMENT,
AND PROCEEDINGS THEREON,
Session 1845.

TITLE OF BILL. — PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Actions of Debt (Limitation)	Lords Bill.	...	...	...	Apr. 14.	May 2.		
Administration of Criminal Justice	Lords Bill.	...	...	...	May 19.	July 7.		
Administration of Criminal Justice [*Lord Denman*]	Lords Bill.	...	...	...	June 30.	July 3.	July 14.	
Administration of Justice (Courts of Chancery)	Lords Bill.	July 18.	July 24.	July 29.	July 10.	July 14.	July 17.	Aug. 4.
Apprehension of Offenders	Lords Bill.	July 24.	July 28.	July 30.	July 17.	July 18.	July 22.	Aug. 8.
Arrestment of Wages [*Scotland*]	Apr. 10.	Apr. 11.						
Arrestment of Wages [*Scotland*] (No. 2.)	May 30.	June 11.	June 18.	June 27.	June 30.	July 7.	July 10.	July 21.
Art Unions	June 13.	June 18.	June 23.					
Art Unions (No. 2)	July 8.	July 8.	July 10.	July 15.	July 17.	July 21.	July 24.	July 31.
Assessed Taxes Composition	June 16.	June 17.	June 20.	June 27.	June 30.	July 3.	July 10.	July 21.
Auction Duties Repeal	Apr. 8.	Apr. 9.	Apr. 11.	Apr. 16.	Apr. 17.	Apr. 29.	May 6.	May 8.
Bail in Error	Lords Bill.	July 11.	July 14.	July 17.	Feb. 20.	Feb. 28.	June 12.	July 31.
Banking [*Scotland*]	Apr. 25.	Apr. 28.	May 5.	June 12.	June 13.	June 23.	June 30.	July 21.
Banking [*Ireland*]	April 25.	May 7.	May 19.	June 16.	June 19.	June 30.	July 4.	July 21.
Bankruptcy and Insolvency	Aug. 5.	Aug. 5.						
Bankrupt's Declaration [Oaths Dispensation, No. 2]	Lords Bill.	July 7.	July 9.	July 11.	May 23.	June 19.	June 30.	July 21.
Bastard Children	Lords Bill.	...	...	...	Mar. 17.			
Bastardy	Feb. 24.	Feb. 25.	Mar. 6.	Mar. 14.	Mar. 17.	Apr. 3.	Apr. 18.	May 8.
Bills of Exchange	June 16.	June 17.	June 20.	July 17.	July 18.	July 28.	Aug. 1.	Aug. 4.
Bishops' Patronage [*Ireland*]	Lords Bill.	July 8.	July 14.	July 18.	June 16.	June 18.	July 4.	July 31.
Bonded Corn	July 8.	July 9.	July 14.	July 21.	July 22.	July 28.	July 31.	Aug. 4.
Borough and Watch Rates	July 3.	July 4.	July 9.	July 15.	July 17	Aug. 1.	Aug 5.	Aug. 8.
British Vessels	...	July 18.	July 22.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Brazil Slave Trade	Lords Bill.	...	...	...	July 3.	July 7.	July 10.	

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Calico Print Works		Feb. 18.	Mar. 12.	April 2.	Apr. 30.	May 1.	May 26.	June 5.	June 30.
Canal Companies Carriers		Apr. 25.	Apr. 25.	Apr. 30.	June 5.	June 6.	June 9.	June 17.	July 21.
Canal Companies Tolls		Apr. 25.	Apr. 25.	Apr. 30.	June 5.	June 6.	June 9.	June 17.	June 30.
Charitable Trusts	[*England and Wales*]	Lords Bill.	July 1.	..	...	Apr. 7.	May 22.	June 30.	
Chattel Interests (Real Property)		Apr. 14.	Apr. 14.						
Church Buildings Act Amendment		Lords Bill.	July 3.	July 11.	July 28.	Apr. 22.	Apr. 29.	July 1.	July 31.
Church Discipline Act Repeal		Lords Bill.	...	...	...	July 22.			
City of London Trade		Lords Bill.	...	..	...	Mar. 13.			
Civil Actions		Lords Bill.	...	..	...	May 19.			
Coal Trade (Port of London)		May 16.	May 21.	May 26.	July 24.	July 24.	July 31.	Aug. 2.	Aug. 4.
Colleges	[*Ireland*]	May 9.	May 9.	June 2.	July 10.	July 14.	July 21.	July 24.	July 31.
Colleges of Physicians and Surgeons		Feb. 25.	Feb. 25.	Apr. 25.					
Colonial Passengers		Apr. 11.	Apr. 17.	Apr. 21.	Apr. 25.	Apr. 28.	Apr. 29.	May 6.	May 8.
Commons Enclosure		May 1.	May 5.	June 19.	July 17.	July 17.	July 24.	Aug. 4.	Aug. 8.
Companies Clauses Consolidation		Feb. 6.	Feb. 6.	Feb. 10.	Mar. 4.	Mar. 6.	Mar. 13.	Apr. 3.	May 8.
Companies Clauses Consolidation	[*Scotland*]	Feb. 6	Feb. 6.	Feb. 10.	Mar. 4.	Mar. 6.	Mar. 13.	Apr. 3.	May 8.
Compensation to Families of Persons killed by Accident		Lords Bill.	June 24.	July 17.		Feb. 18.	Apr. 21.	June 17.	
Compensations		July 18.	July 18.	July 21.	July 24.	July 25.	July 28.	July 31.	Aug. 4.
Consolidated Fund		July 31.	July 31.	Aug. 1.	Aug. 5.	Aug. 5.	Aug. 7.	Aug. 8.	Aug. 9.
Consolidated Fund (£8,000,000)		Mar. 4.	Mar. 5.	Mar. 6.	Mar. 11.	Mar. 13.	Mar. 14.	Mar. 17.	Mar. 18.
Constables	[*Scotland*]	Feb. 13.	Feb. 13.	Feb. 17.	Feb. 20.	Feb. 28.	Mar. 3.	Mar. 10.	Mar. 18.
Constables, Public Works	[*Ireland*]	June 27.	June 27.	July 3.	July 8.	July 10.	July 14.	July 17.	July 21.
Coroners	[*Ireland*]	May 8.	May 8.	May 28.					
County Rates			May 2.	June 11.	July 24.	July 28.	July 31.	Aug. 4.	Aug. 8.
Court of Chancery		...	July 21.	July 24.	July 29.				
Courts of Common Law Process	[*Eng. & Ire.*] No. 1.	Lords Bill.	Apr. 30.	May 7.		Feb. 13.	May 3.	April 7.	
Courts of Common Law Process	[*Eng. & Ire.*] No. 2.	Lords Bill.				June 24.	July 1.		
Court of Session (*Scotland*) Process	No. 1.	Lords Bill.	April 3.	May 7.		Feb. 17.	Mar. 3.	April 7.	
Court of Session (*Scotland*) Process	No. 2.	Lords Bill.	...	...	...	June 24.	July 1.		
Criminal Jurisdiction of Assistant Barristers	[*Ireland*]	July 7.	July 7.	July 10.	July 17.	July 18.	July 28.	July 31.	Aug. 4.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Crown Charters, &c.	[*Scotland*]	...	July 22.						
Customs Bounties and Allowances		July 18.	July 18.	July 23.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Customs Duties		July 18.	July 18.	July 23.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Customs Export Duties		Mar. 10.	Mar. 11.	Mar. 12.	Mar. 17.	Mar. 18.	Apr. 14.	Apr. 15.	Apr. 24.
Customs Import Duties		Mar. 18.	Mar. 20.	Mar. 21.	Apr. 21.	Apr. 22.	Apr. 29.	May 6.	May 8.
Customs Laws Repeal		July 18.	July 18.	July 23.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Customs Management		July 18.	July 18.	July 23.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Customs Regulations		July 18.	July 18.	July 23.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Deodands Abolition		Lords Bill.	...	..	...	Feb. 24.	Mar. 14.	June 17.	
Deodands Abolition	[No. 2]	July 4.	July 4.	July 17.					
Divorce		Lords Bill.	...	...	...	Mar. 13.			
Documentary Evidence		Lords Bill.	July 17.	July 22.	July 28.	May 19.	July 7.	July 11.	Aug. 8.
Dog Stealing		...	May 30.	June 11.	June 30.	July 1.	July 7.	July 17.	July 21.
Drainage	[*Ireland*]	July 3.	July 3.	July 10.	July 18.	July 21.	July 24.	July 29.	July 31.
Drainage by Tenants for Life		Lords Bill.	July 18.	July 21.	July 23.	June 27.	July 7.	July 17.	July 31.
Drainage of Lands		May 1.	May 5.	June 19.	July 21.	July 21.			
Ecclesiastical Courts Consolidation		Lords Bill.	July 1.	...	...	Mar. 13.	May 26.	June 30.	
Elective Franchise Extension		Lords Bill.	...	...	...	Apr. 25.	May 26.		
Exchequer Bills (£9 024 900)		July 31.	July 31.	Aug. 1.	Aug. 5.	Aug. 5.	Aug. 7.	Aug. 8.	Aug. 9.
Exchequer Bills (£9,379,600)		Apr. 28.	Apr. 30.	May 1.	May 7.	May 8.	May 16.	May 19.	May 20.
Excise Duties on Spirits	[*Channel Islands*]	...	July 9.	July 11.	July 21.	July 21.	July 24.	July 28.	July 31.
Fees (Criminal Courts)		July 15.	July 15.	July 22.	Withdrawn.				
Fees (Criminal Proceedings)		July 25.	July 25.	July 29.	Aug. 2.	Aug. 2.	Aug. 4.	Aug. 7.	Aug. 8.
Field Gardens		Mar. 4.	Mar. 4.	Apr. 9.	July 8.	July 11.	July 18.		
Fisheries	[*Ireland*]	July 7.	July 7.	July 14.	July 21.	July 21.	July 24.	July 31.	Aug. 8.
Foreign Lotteries		...	June 25.	June 30.	July 4.	July 7.	July 10.	July 18.	July 31.
Fresh Water Fishing	[*Scotland*]	Lords Bill.	May 20.	June 5.	June 13.	Mar. 11.	Mar. 14.	May 8.	June 30.
Games and Wages Act Amendment		Lords Bill.	July 11.	July 21.	July 30.	June 26.	July 3.	July 7.	Aug. 8.
Game Laws Act Amendment		Lords Bill.	...	...	...	May 30.	Withdrawn.		
Geological Survey		July .	July 7.	July 10.	July 17.	July 18.	July 22.	July 25.	July 31.
Glass (Excise Duty)		Apr. 1.	Apr. 3.	Apr. 4.	Apr. 9.	Apr. 11.	Apr. 15.	Apr. 17.	Apr. 24.

PUBLIC BILLS.—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1o.	BILL READ. 2o.	BILL READ. 3o.	BILL READ. 1a.	BILL READ. 2a.	BILL READ. 3a.	
Grand Jury Presentments—Dublin		July 7.	July 7.	July 11.	July 21.	July 21.	July 29.	Aug. 1.	Aug. 4.
Granting of Leases		Lords Bill.	July 10.	July 22.	July 28.	May 19.	June 26.	July 3.	Aug. 8.
Heritable Securities	[*Scotland*]	Mar. 7.	Mar. 7.	Mar. 14.	Apr. 25.	Apr. 28.	June 23.	June 27.	June 30.
High Constables		Lords Bill.	...	...	...	May 2.	May 16.	July 18.	
Highways		July 15.	July 15.	July 17.	July 22.	July 22.	July 25.	July 29.	July 31.
Highway Rates		July 10.	July 11.	July 14.	July 17.	July 17.	July 18.	July 22.	July 31.
Indemnity		May 8.	May 8.	May 9.	May 20.	May 23.	May 30.	June 3.	June 30.
Independence of Parliament		Lords Bill.	...	..	...	May 19.			
Infeftment	[*Scotland*]	Mar. 7.	Mar. 7.	Mar. 14.	Apr. 25.	Apr. 28.	June 23.	June 27.	July 21.
Isle of Man Trade		...	July 18.	July 22.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Jewish Disabilities Removal		Lords Bill.	Mar. 17.	July 17.	July 21.	Mar. 7.	Mar. 10.	Mar. 14.	July 31.
Joint Stock Companies	[*Ireland*]	July 4.	July 4.	July 10.	July 18.	July 21.	July 29.	Aug. 1.	Aug. 4.
Joint Stock Banks	[*Scotland and Ireland*]	July 18.	July 18.	July 21.					
Jurors	[*Ireland*]	Lords Bill.	July 11.	July 17.	July 21.	June 30.	July 4.	July 10.	July 31.
Justices' Clerks and Clerks of the Peace		Feb. 20.	Feb. 26.	Mar. 12.					
Landlord and Tenant		Lords Bill.	...	...	..	June 12.			
Lands Clauses Consolidation		Feb. 6.	Feb. 6.	Feb. 10.	Mar. 19.	Apr. 3.	Apr. 11.	Apr. 22.	May 8.
Lands Clauses Consolidation	[*Scotland*]	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 20.	Apr. 3.	Apr. 11.	Apr. 22.	May 8.
Lands Revenue Act Amendment		July 7.	July 7.	July 10.	July 18.	July 21.	July 28.	Aug. 1.	Aug. 4.
Law of Defamation and Libel Act (Amendment)		Lords Bill.	July 18.	July 23.	July 28.	July 7.	July 11.	July 17.	July 31.
Loan Societies		July 10.	July 11.	July 14.	July 17.	July 17.	July 18.	July 22.	July 31.
Lunatic Asylums		May 19.	May 19.	May 25.	July 17.	July 18.	July 24.	July 29.	Aug. 8.
Lunatic Asylums and Pauper Lunatics		June 6.	June 9.	June 23.	July 17.	July 18.	July 24.	Aug. 1.	Aug. 8.
Lunatics		June 6.	June 13.	June 23.	July 22.	July 24.	July 28.	July 31.	Aug. 4.
Malt Drawback		Apr. 18.	Apr. 21.						
Marriage Law Amendmen		Lords Bill.	...	...	...	May 19.			
Marine Mutiny		May 1.	Apr. 4.	Apr. 7.	Apr. 10.	Apr. 11.	Apr. 4.	Apr. 17.	Apr. 24.
Masters and Workmen		July 2.	July 3.	July 10.	July 21.	July 21.	July 25.	July 31.	Aug. 4.
Maynooth College		Apr. 3.	Apr. 3.	Apr. 18.	May 21.	May 23.	June 4.	June 16.	June 30.
Merchant Seamen		June 18.	June 18.	June 20.	July 18.	July 21.	July 24.	Aug. 5.	Aug. 8.
Merchant Seamen's Fund		May 1.	May 1.	June 5.					

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Military Savings Banks		May 8.	May 8.	May 19.	June 2.	June 6.	June 18.	June 26.	June 30.
Militia Ballots Suspension		July 10.	July 11.	July 14.	July 17.	July 17.	July 21.	July 24.	July 31.
Militia Pay		July 15.	July 17.	July 18.	July 23.	July 24.	July 28.	July 31.	Aug. 8.
Municipal Districts	[*Ireland*]	July 10.	July 14.	July 18.	July 30.	July 31.	Aug. 4.	Aug. 7.	Aug. 8.
Museums of Art		Mar. 6.	Mar. 18.	Apr. 2.	Apr. 28.	May 1.	May 30.	June 24.	July 21.
Mutiny		Apr. 3.	Apr. 4.	Apr. 7.	Apr. 10.	Apr. 11.	Apr. 14.	Apr. 17.	Apr. 24.
Naval Medical Supplemental Fund Society		July 7.	July 7.	July 17.	Aug. 1.	Aug. 2.	Aug. 4.	Aug. 7.	Aug. 8.
Oaths Dispensation		Lords Bill.	...	...	...	Apr. 22.	April 29.	Withdrawn.	
Oaths Dispensation (No. 2) [Bankrupt's Declaration]		Lords Bill.	July 7. Feb. 4.	July 9.	July 11.	May 23.	June 19.	June 30.	July 21.
Outlawries		...							
Outstanding Terms		Lords Bill.	July 10.	July 22.	Aug. 1.	May 19.	June 26.	July 1.	Aug. 8.
Parochial Settlement		Feb. 11.	Feb. 17.						
Pauper Lunatics Amendment	[*Ireland*]	Lords Bill.	...	...	..	Mar. 10.	Mar. 17.		
Peace Constables, near Public Works	[*Scotland*]	Lords Bill.	..	...	..	Feb. 27.	Withdrawn.		
Physic and Surgery		Feb. 25.	Feb. 25.	Apr. 25.	July 28.				
Pious and Charitable Purposes		May 21.	June 2.						
Poor Law Amendment	[*Scotland*]	Apr. 2.	Apr. 2.	June 12.	July 21.	July 21.	July 25.		
Poor Removal		July 31.	Aug. 8.						
Post Office Offences Act Amendment		Lords Bill.	...	..	...	Mar. 17.			
Pottinger, Sir Henry, Annuity		June 17.	June 18.	June 19.	June 25.	June 26.	June 27.	July 1.	July 21.
Privy Council Appellate Jurisdiction Act Amendment		Lords Bill.	May 23.	May 30.	June 5.	Apr. 28.	May 5.	May 8.	June 30.
Property Tax		Feb. 20.	Feb. 21.	Feb. 27.	Mar. 12.	Mar. 13.	Mar. 17.	Apr. 4.	Apr. 5.
Public Museums		Mar. 18.	Mar. 18.	Mar. 31.	Apr. 9.	Apr. 14.	May 8.	July 1.	July 21.
Railway Clauses Consolidation		Feb. 6.	Feb. 6.	Feb. 10.	Mar. 19.	Apr. 3.	Apr. 11.	Apr. 22.	May 8.
Railway Clauses Consolidation	[*Scotland*]	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 20.	Apr. 3.	Apr. 11.	Apr. 22.	
Railway Clauses Consolidation, (No. 2.)	[*Scotland*]	May 1.	May 1.	May 5.	May 16.	May 19.	May 26.	June 3.	July 21.
Railways (Selling and Leasing)		...	July 17.	July 18.	July 21.	July 22	July 28.	July 31.	Aug. 4.
Real Property Conveyance		Lords Bill.	...	...	...	May 19.			
Real Property Conveyance, (No. 2.)		Lords Bill.	July 10.	July 21.	July 28.	June 19.	June 30.	July 7.	Aug. 8.
Real Property Deeds Registration		Lords Bill.	...	...	...	May 26.			

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1o.	BILL READ 2o.	BILL READ 3o.	BILL READ 1a.	BILL READ 2a.	BILL READ 3a.	
l Property (Lord Chancellor)		Lords Bill.	...	...	...	June 23.	July 1.	July 11.	
l Property (No. 3.)		July 22.	July 22.	July 23.	July 28.	July 28.	July 29.	July 31.	Aug. 4.
cognizances for Costs in Bills		Lords Bill.	July 28.	...	...	July 14.	July 17.	July 25.	
noval of Paupers		July 15.	July 13.	July 23.	July 26.	July 29.	Aug. 1.	Aug. 5.	Aug. 8.
man Catholic Relief		Feb. 20.	Feb. 20.	May 28.					
mon Fisheries		Apr. 30.	May 1.	May 21.					
oolmasters	[*Scotland*]	Lords Bill.	July 4.	July 7.	July 9.	June 13.	June 16.	June 19.	July 21.
entific and Literary Societies		May 8.	May 8.	May 28.					
l Office Abolition		June 16.	June 17.	June 19.	July 3.	July 4.	July 7.	July 11.	July 21.
ect Vestries		Lords Bill.	...	...	...	Feb. 4.			
vice of Heirs	[*Scotland*]	July 22.	July 22.						
vice of Process	[*England and Ireland*] (No. 1.)	Lords Bill.	April 30.	May 7.	...	Feb. 13.	Mar. 3.	Apr. 7.	
vice of Process	[*England and Ireland*] (No. 2.)	Lords Bill.	...	...	...	June 24.	July 1.		
vice of Summons	[*Scotland*] (No. 1.)	Lords Bill.	April 3.	May 7.	...	Feb. 17.	Mar. 3.	Apr. 7.	
vice of Summons	[*Scotland*] (No. 2.)	...	...	...	..	June 24.	July 1.		
erage and Drainage of Towns		July 24.	July 25.						
riffs	[*Wales*]	Lords Bill.	Apr. 22.	Apr. 25.	Apr. 30.	Apr. 14.	Apr. 17.	Apr. 21.	May 8.
ping and Navigation		...	July 18.	July 23.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Weavers		Lords Bill.	July 30.	Aug. 1.	Aug. 8.	June 13.	July 22.	July 29.	Aug. 9.
e Trade, Brazil		...	July 14.	July 18.	Aug. 1.				
ll Debts		Lords Bill.	...	...	...	May 23.	June 2.	June 9.	
ll Debts (No. 2.) (No. 3.)		Lords Bill.	June 27.	July 18.	July 29.	June 19.	June 23.	June 23.	Aug. 9.
ke Prohibition		...	Mar. 5.	April 2.					
ggling Prevention		...	July 18.	July 23.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
its	[*Ireland*]	...	July 9.	July 11.	July 18.	July 21.	July 24.	July 28.	July 31.
p Duties Assimilation		Feb. 20.	Feb. 21.	Feb. 27.	Mar. 5.	Mar. 6.	Mar. 11.	Mar. 14.	Mar. 18.
p Duties, &c.		July 15.	July 15.	July 18.	July 23.	July 24.	July 28.	July 31.	Aug. 4.
te Labour	[*Scotland*]	Apr. 10.	Apr. 10.	June 25.	June 30.	July 1.	July 7.	July 17.	July 21.
Asaph and Bangor Dioceses		Lords Bill.	...	...	...	Apr. 11.	Withdrawn.		
saph and Bangor and Manchester Dioceses		Lords Bill.	...	...	...	Apr. 24.			
k in Trade		July 10.	July 11.	July 24.	July 28.	July 28.	July 31.	Aug. 1.	Aug. 4.

PUBLIC BILLS—*Concluded.*

TITLE OF BILL. PROGRESS THROUGH	COMMONS. LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	COMMONS. BILL READ 1°.	COMMONS. BILL READ 2°.	COMMONS. BILL READ 3°.	LORDS. BILL READ 1ª.	LORDS. BILL READ 2ª.	LORDS. BILL READ 3ª.	ROYAL ASSENT.
Sugar Duties	Mar. 10.	Mar. 11.	Mar. 12.	Mar. 18.	Apr. 3.	Apr. 7.	Apr. 11.	Apr. 24.
Sugar (Excise Duties)	Apr. 8.	Apr. 8.	Apr. 11.	Apr. 16.	Apr. 17.	Apr. 29.	May 6.	May 8.
Taxing Masters (Court of Chancery) [*Ireland*]	July 10.	July 10.	July 17.	July 28.	July 28.	July 29.	Aug. 4.	Aug. 8.
Tenants Compensation [*Ireland*]	Lords Bill.	...	...	...	June 9.	June 24.		
Testamentary Disposition	July 18.	July 18.	July 21.	July 23.	July 24.	July 28.	July 31.	Aug. 4.
Timber Ships	...	June 12.	June 16.	June 27.	June 30.	July 7.	July 10.	July 21.
Trade of British Possessions Abroad	...	July 18.	July 23.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Turnpike Acts Continuance	July 10.	July 11.	July 14.	July 17.	July 17.	July 21.	July 24.	July 31.
Turnpike Roads [*Ireland*]	July 10.	July 10.	July 14.	July 31.	July 31.	Aug. 4.	Aug. 7.	Aug. 8.
Turnpike Roads Act Amendment [*Scotland*]	Lords Bill.	July 11.	July 21.	.	Apr. 29.	May 16.	June 23.	
Turnpike Trusts [*South Wales*]	June 27.	June 27.	July 2.	July 8.	July 10.	July 21.	July 22.	July 31.
Unclaimed Stock and Dividends	July 9.	July 9.	July 11.	July 17.	July 18.	July 24.	July 28.	July 31.
Unions [*Ireland*]	Lords Bill.	July 17.	July 21.	July 23.	July 3.	July 7.	July 15.	July 31.
Universities of Scotland	May 1.	May 5.						
Unlawful Oaths [*Ireland*]	July 7.	July 7.	July 14.	July 17.	July 17.	July 21.	July 24.	July 31.
Valuation [*Ireland*]	June 30.	June 30.	July 14.	July 31.	July 31.			
Warehousing of Goods	...	July 18.	July 23.	July 28.	July 29.	July 31.	Aug. 2.	Aug. 4.
Waste Lands (Australia)	Lords Bill.	July 28.	July 30.	Aug. 2.	July 14.	July 18.	July 25.	Aug. 4.
Waste Lands (Australia), (No 2)	Aug. 8.	Aug. 8.						
West India Islands [*Relief*]	June 16.	June 17.	June 19.	June 25.	June 26.	June 30.	July 3.	July 21.

PRIVATE BILLS.

TITLE OF BILL. — PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Aberdare . . . . [*Railway*] . .	Apr. 7.	Apr. 23.	May 16.	July 7.	July 7.	July 14.	July 18.	July 31.
Aberdeen . . . . [*Railway*] . .	Feb. 28.	Mar. 20.	Apr. 14.	June 13.	June 13.	June 19.	July 22.	July 31.
Agricultural and Commercial . [*Bank of Ireland*] .	Feb. 27.	Mar. 31.	Apr. 25.	June 16.	June 16.	June 19.	June 27.	July 21.
Amicable Society Assurance . [*Company*] . .	Feb. 21.	Mar. 7.	Mar. 14.	Apr. 16.	Apr. 17.	Apr. 21.	May 5.	May 8.
Anderston . . . . [*Municipal & Police*]	Feb. 26.	Mar. 19.	Apr. 7.					
Argyll's (Duke of) . . [*Estate*] . .	Lords Bill.	May 15.	May 26.	June 19.	Apr. 3.	Apr.	May 8.	June 30.
Ashton, Stalybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches) . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.	June 23.	June 23.	July 1.	July 5.	July 21.
Barnsley Junction . . [*Railway*] . .	Feb. 14.	Feb. 27.	Mar. 4.					
Barrington's (Lord) . . [*Estate*] . .	Lords Bill.	June 24.	June 25.	June 26.	June 16.	June 17.	June 24.	June 30.
Battersea . . . . [*Poor*] . . .	Feb. 27	Mar. 14.	Apr. 9.	June 17.	June 17.	June 19.	June 24.	June 30.
Bedford and London and Birmingham . . . . [*Railway*] . .	Feb. 27.	Mar. 13.	Apr. 8.	May 30.	June 2.	June 10.	June 19.	June 30.
Belfast . . . . [*Improvement*] . .	Feb. 26.	Mar. 20.	Apr. 8.	June 27.	June 27.	July 1.	July 5.	July 21.
Belfast and Ballymena . . [*Railway*] . .	Feb. 7.	Mar. 4.	Mar. 10.	June 9.	June 9.	June 17.	June 26.	July 21.
Belfast Lough . . . . [*Drainage*] . .	Feb. 28.	Apr. 18.	Withdrawn.					
Berks and Hants . . . . [*Railway*] . .	Feb. 24.	Mar. 11.	Mar. 17.	June 2.	June 3.	June 13.	June 19.	June 30.
Bermondsey . . . [*Improvement*] (No. 1) .	Feb. 28.	Apr. 11.	Withdrawn.					
Bermondsey . . . [*Improvement*] (No. 2) .	Motion.	Apr. 18.	May 28.	July 3.	July 3.	July 11.	July 22.	July 31.
Birkenhead (Commissioners') . [*Dock*] . . .	Feb. 7.	Feb. 20.	Feb. 24.	Apr. 1.	Apr. 3.	Apr. 8.	Apr. 18.	May 8.
Birkenhead (Company's) . [*Docks*] . . .	Feb. 12.	Feb. 26.	Mar. 3.	Apr. 3.	Apr. 3.	Apr. 5.	May 19.	June 30.
Birkenhead, Manchester, and Cheshire Junction . . [*Railway*] (No. 1) .	Mar. 20.							
Birkenhead, Manchester, and Cheshire Junction . . [*Railway*] (No. 2) .	May 7.							
Birmingham . . . [*Improvement*] .	Feb. 27.	Mar. 13.						
Birmingham Blue Coat School [*Estate*] . . .	Lords Bill.	July 17.	July 22.	Aug. 4.	June 19.	June 23.	July 17.	Aug. 8.
Birmingham and Gloucester . [*Railway Acts Amend.*] .	Mar. 20.							

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1a.	BILL READ 2a.	BILL READ 3a.	
Birmingham and Gloucester, (Gloucester Extensions, Stoke Branch, and Midland Railways Junction)	[*Railway*]	Mar. 31.	May 9.	May 19.	June 27.	June 27.	July 22.	July 28.	Aug. 4.
Birmingham and Gloucester (Wolverhampton Line)	[*Railway*]	Mar. 31.	May 9.	May 15.					
Birmingham and Gloucester (Worcester Branch and Cheltenham Extensions)	[*Railway*]	Mar. 31.	May 30.	June 6.					
Birmingham and Gloucester (Worcester Deviation)	[*Railway*]	Mar. 31.	May 9.	May 16.					
Birmingham and Staffordshire	[*Gas*]	Feb. 13.	Feb. 26.	Mar. 3.	Apr. 16.	Apr. 17.	Apr. 21.	May 20.	June 30.
Blackburn	[*Waterworks*]	Feb. 25.	Mar. 13.	Apr. 4.	May 28.	May 30.	June 3.	June 26.	July 21.
Blackburn and Preston	[*Railway*]	Feb. 25.	Mar. 12.	Mar. 17.	June 16.	June 16.	June 27.	July 4.	July 21.
Blackburn, Burnley, Accrington, and Colne Extension	[*Railway*]	Feb. 10.	Feb. 26.	Mar. 4.	May 9.	May 23.	June 3.	June 16.	June 30.
Blackburn, Darwen, and Bolton	[*Railway*]	Feb. 21.	Mar. 13.	Apr. 8.	May 30.	June 5.	June 13.	June 19.	June 30.
Black Sluice	[*Drainage and Navigation*]	Feb. 25.	Mar. 12.	Mar. 18.					
Blessington, Earl of Charleville	[*Estate*]	Lords Bill.	...	...	...	June 23.	June 26.		
Boddam	[*Harbour*]	Feb. 27.	Mar. 31.	Apr. 14.	May 9.	May 16.	May 19.	May 23.	June 30.
Boileau's	[*Divorce*]	Lords Bill.	Apr. 21.	Apr. 30.	Aug. 4.	Mar. 18.	Apr. 8.	Apr. 15.	Aug. 8.
Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester, and Grand Junction Railway Companies' Amalgamation		May 15.	June 12.	June 20.	July 24.	July 25.		Aug. 5.	Aug. 8.
(Bowes')	[*Estate*]	Lords Bill.	July 21.	July 25.	Aug. 4.	June 4.	June 12.	July 21.	Aug. 8.
Bradford	[*Gas*]	Feb. 19.	Mar. 5.	Mar. 10.	Apr. 22.	Apr. 22.	Apr. 25.	May 5.	May 20.
Bridgeton	[*Municipal & Police*]	Feb. 13.	Mar. 10.	Apr. 4.					
Bridgwater	[*Navigation & Railway*]	Feb. 14.	Feb. 27.	Mar. 3.	June 11.	June 12.	June 24.	July 1.	July 21.
Bridgwater's (Duke of)	[*Estate*]	Lords Bill.	July 18.	July 25.	Aug. 4.	June 13.	June 17.	July 18.	Aug. 8.

TITLE OF BILL.	PROGRESS THROUGH—	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
ghton and Chichester (Portsmouth Extension)	[*Railway*]	Feb. 21.	Apr. 9.	Apr. 22.	July 11.	July 11.	July 18.	Aug. 5.	Aug. 8.
ghton, Lewes, and Hastings (Keymer Branch)	[*Railway*]	Feb. 28.	Mar. 13.	Mar. 31.	June 9.	June 9.	June 17.	June 24.	June 30.
ghton, Lewes, and Hastings (Hastings, Rye, and Ashford Extension)	[*Railway*]	May 9.	May 28.	June 2.	July 21.	July 22.	July 28.	Aug. 5.	Aug. 8.
tol	[*Parochial Rates*] (No. 1)	Feb. 27.	Mar. 17.	Apr. 15.	Withdrawn.				
tol	[*Parochial Rates*] (No. 2)	Motion	June 5.	June 16.	July 7.	July 7.	July 21.	Aug. 4.	Aug. 9.
tol and Exeter	[*Railway Branches*]	Mar. 18.	Apr. 11.	May 2.	May 30.	May 30.	July 1.	July 14.	July 31.
tol and Gloucester	[*Railway*] (No. 1)	Mar. 20.							
tol and Gloucester	[*Railway*] (No. 2)	Apr. 11.	May 2.	May 19.	Withdrawn.				
tol and Gloucester, and Birmingham and Gloucester	[*Railways*]	Feb. 28.							
tol (Redcliff)	[*Bridge*]	Feb. 27.	Mar. 12.	Withdrawn.					
ten's	[*Divorce*]	Lords Bill.	Feb. 28.	Mar. 5.	Apr. 14.	Feb. 26.	Feb. 24.	Feb. 28	Apr. 24.
nley	[*Improvement*]	Feb. 21.							
edonian	[*Railway*]	Feb. 5.	Feb. 25.	Mar. 3.	June 12.	June 12.	June 24.	July 22.	July 31.
ton and Bridgeton	[*Police*]	Feb. 19.	Mar. 12.	Apr. 4.					
vert's	[*Estate*]	Lords Bill.	Apr. 21.	Apr. 25.	May 19.	Mar. 4.	Mar. 11.	Apr. 15.	May 20.
nbridge and Lincoln	[*Railway*]	Feb. 14.	Mar. 5.	Mar. 10.					
le Hill (Wexford)	[*Docks*]	Feb. 28.	Apr. 4.	Apr. 18.	May 28.	May 30.	June 3.	June 19.	June 30.
lsea	[*Improvement*]	Feb. 28.	Mar. 17.	Apr. 14.	June 13.	June 13.	June 17.	July 5.	July 21.
ster	[*Improvement*]	Feb. 28.	Mar. 19.	Apr. 14.	June 2.	June 2.	June 4.	June 10.	June 30.
ster & Birkenhead Extension	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 25.	June 23.	June 23.	July 1.	July 5.	July 21.
ster and Holyhead	[*Railway*] (No. 1.)	Feb. 13.	Feb. 26.	Mar. 3.	May 28.	May 30.	June 4.	June 16.	June 30.
ster and Holyhead (Mold Branch and Purchase of Chester and Birkenhead)	[*Railway*] (No. 2)	Mar. 20.	Apr. 10.	Ap. 21.					
ster, Manchester, and Liverpool Junction	[*Railway*]	Mar. 17.							

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Churnet Valley	[*Railway*]	Mar. 3.							
Claughton cum Grange (St. Andrew's)	[*Church*]	Feb. 24.	Mar. 11.	Apr. 18.	June 9.	June 9.	June 12.	June 19.	June 30.
Claughton cum Grange (St. John the Baptist's)	[*Church*]	Feb. 24.	Mar. 11.	Apr. 18.	June 9.	June 9.	June 12.	June 19.	June 30.
Clerkenwell	[*Improvement*]	Feb. 28.	Mar. 13.	Mar. 31.	Apr. 28.	Apr. 28.	May 2.	May 20.	June 30.
Clifton	[*Bridge*]	Feb. 28.	Apr. 7.	Apr. 15.	May 8.	May 8.	May 19.	May 23.	June 30.
Clydesdale Junction	[*Railway*]	Feb. 10.	Mar. 11.	Mar. 17.	June 12.	June 12.	June 23.	July 22.	July 31.
Cockermouth and Workington	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 25.	June 30	June 30.	July 5.	July 11.	July 21.
Cork and Bandon	[*Railway*]	Feb. 28.	Apr. 11.	Apr. 25.	June 26.	June 26.	July 4.	July 11.	July 21.
Cornwall	[*Railway*]	Feb. 13.	Mar. 17.	Apr. 7.	June 23.	June 23.	July 1.		
Coventry, Bedworth, and Nuneaton	[*Railway*]	Mar. 7.	Apr. 8.	Apr. 21.					
Crediton	[*Small Debts*]	Feb. 28.	Mar. 13.	Apr. 7.	May 5.	June 2.	June 5.	June 27.	June 30.
Cromer Protection from the Sea		Feb. 28.	Apr. 4.	Apr. 21.	May 28.	May 30.	June 3.	June 10.	June 30.
Cromford	[*Canal*]	Feb. 14.	Feb. 27.	Mar. 3.	June 23.	June 23.	June 26.	July 24.	
Darby Court (Westminster)		Motion	July 4.	July 15.	July 23.	July 24.	July 28.	Aug. 1.	
Devonport	[*Gas & Coke*]	Feb. 11.	Feb. 26.	Mar. 3.	Apr. 21.	May 5.	...	May 22.	June 30.
Dick's (Sir Robert Keith)	[*Estate*]	Lords Bill	July 17.	July 25.	Aug. 4.	June 10.	July 15.	July 17.	July 31.
Direct London and Portsmouth	[*Railway*]	Mar. 18.	Apr. 7.	Apr. 21.	July 11.	July 11.			
Direct Northern	[*Railway*] (No. 1)	Feb. 21.	Withdrawn.						
Direct Northern (Lincoln to York)	[*Railway*] (No. 2)	Mar. 20.							
Diss and Colchester Junction	[*Railway*	Mar. 20.							
Diss, Beccles, and Yarmouth	[*Railway*]	Mar. 14.	May 26.	May 30.	Withdrawn.				
Donegal's (Marquess of)	[*Estate*]	Lords Bill	July 21.	July 25.	Aug. 4.	June 27.	July 1.	July 21.	Aug. 8.
Dublin	[*Cemeteries*]	Feb. 28.							
Dublin	[*Pipe Water*] (No. 1)	Feb. 28.	Apr. 10.	Apr. 25.	Withdrawn.				
Dublin	[*Pipe Water*] (No. 2)	Motion	June 13.	June 25.	July 18.	July 18.	Juiy 22.	Aug. 2.	Aug. 4.
Dublin and Belfast Junction, (Branch to Kells)	[*Railway*]	Feb. 25.	Apr. 10.	Apr. 25.	June 23.	June 23.	July 4.	July 14.	July 21.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Dublin and Drogheda	[*Railway*]	Feb. 24.	Mar. 14.	Apr. 4.	June 13.	June 13.	July 1.	July 14.	July 21.
Duddeston and Nechells	[*Improvement*] (No. 1)	Feb. 27.	Mar. 13.	Withdrawn.					
Duddeston and Nechells	[*Improvement* (No. 2)	Motion.	Apr. 15.	May 2.	July 23.	July 24.	July 25.	Aug. 1.	Aug. 4.
Dundalk and Enniskillen	[*Railway*]	Feb. 24.	Mar. 17.	Apr. 4.	June 17.	June 19.	June 27.	July 3.	July 21.
Dundee	[*Waterworks*]	Feb. 27.	Mar. 20.	Apr. 11.	June 16.	June 16.	June 19.	June 26.	July 21.
Dundee and Perth	[*Railway*]	Feb. 27.	Mar. 20.	Apr. 11.	June 12.	June 12.	June 19.	July 22.	July 31.
Dunstable and London and Birmingham	[*Railway*]	Mar. 6.	Apr. 4.	Apr. 21.	May 30.	June 2.	June 10.	June 17.	June 30.
East Dereham and Norwich	[*Railway*]	Mar. 31.							
Eastern Counties (Cambridge and Bury St. Edmunds' Extension)	[*Railway*]	May 23.	June 9.	June 16.					
Eastern Counties (Cambridge and Huntingdon Line)	[*Railway*]	Feb. 12.	Feb. 26.	Mar. 10.	July 30.	July 31.	Aug. 2.	Aug. 5.	Aug. 8.
Eastern Counties (Ely and Whittlesea Deviation)	[*Railway*]	Feb. 12.	Feb. 26.	Mar. 4.	May 29.	May 30.	June 10.	July 5.	July 21.
Eastern Counties (Hertford and Biggleswade Line)	[*Railway*]	Feb. 12.	Mar. 3.	Mar. 7.					
Eastern Union	[*Railway*]	Feb. 28.	Mar. 14.	Apr. 7.	June 20.	June 23.	July 1.	July 4.	July 21.
Eastern Union and Bury St. Edmund's	[*Railway*] (No. 1)	Mar. 7.							
Eastern Union and Bury St. Edmund's	[*Railway*] (No. 2)	Mar. 19.	Apr. 17.	Apr. 30.	June 19.	June 19.	June 27.	July 3.	July 21.
Eastern Union and Norwich	[*Railway*] (No. 1)	Mar. 7.							
Eastern Union and Norwich	[*Railway*] (No. 2)	Mar. 19.							
Eastern Union (Harwich)	[*Railway and Pier*] (No. 1)	Apr. 7.	Withdrawn.						
Eastern Union (Harwich)	[*Railway and Pier*] (No. 2)	Apr. 10.							
Edinburgh and Glasgow	[*Railway*]	Feb. 5.	Mar. 4.	Mar. 10.	May 28.	June 6.	June 24.	July 1.	July 21.
Edinburgh and Hawick	[*Railway*]	Feb. 11.	Mar. 10.	Mar. 14.	June 6.	June 6.	June 13.	July 22.	July 31.
Edinburgh and Northern	[*Railway*] (No. 1)	Mar. 5.							
Edinburgh and Northern	[*Railway*] (No. 2)	Mar. 19.	Apr. 8.	Apr. 21	June 30.	June 30.	July 8.	July 22.	July 31

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Edinburgh Life Assurance	[*Company*]	Feb. 27.	Mar. 19.	Apr. 11.	May 5.	May 6.	May 8.	May 22.	June 30.
Ellesmere and Chester and Birmingham and Liverpool Junction	[*Canals Union*]	Feb. 6.	Feb. 19.	Feb. 24.	Apr. 14.	Apr. 14.	Apr. 17.	May 5.	May 8.
Ellison's	[*Estate*]	Lords Bill.	July 1.	July 14.	July 30.	May 19.	May 22.	June 30.	Aug. 4.
Ely and Huntingdon	[*Railway*]	Mar. 18.	Apr. 7.	Apr. 23.	May 30.	June 6.	June 13.	June 24.	June 30.
Epping	[*Railway*]	May 23.	June 19.	June 23.	July 21.	July 21.	July 29.	Aug. 5.	Aug. 9.
Epsom and Dorking	[*Railway*]	Apr. 2.	Apr. 17.	Apr. 30.					
Erewash Valley	[*Railway*] (No. 1)	Feb. 24.	Mar. 17.	Apr. 9.	Withdrawn.				
Erewash Valley	[*Railway*] (No. 2)	Motion.	Apr. 22.	Apr. 30.	July 4.	July 7.	July 17.	July 29.	Aug. 4.
Exeter and Crediton	[*Railway*]	Mar. 20.	Apr. 10.	Apr. 22.	May 29.	May 30.	June 24.	June 30.	July 21.
Falmouth	[*Harbour Improvement*]	Feb. 25.	Mar. 12.	Mar. 18.	June 25.	June 26.	June 30.	July 21.	July 31.
Fisher Lane (Greenwich)	[*Improvement*]	Motion.	Feb. 13.	Mar. 10.	Apr. 14.	Apr. 15.	Apr. 24.	Apr. 28.	May 8.
Forth and Clyde	[*Navigation*]	Feb. 14.	Mar. 5.	Mar. 10.	Apr. 17.	Apr. 17.	...	...	May 8.
Forth and Clyde Navigation and Union	[*Canal Junction*] (No. 1)	Feb. 25.	...	...	...	...	...	...	...
Forth and Clyde Navigation and Union	[*Canal Junction*] (No. 2)	Feb. 27.	Mar. 20.	Apr. 14.	July 3.	July 3.	July 5.	July 10.	July 21.
Foulmire	[*Inclosure*]	Feb. 11.	Mar. 7.	Mar. 14.	Apr. 25.	Apr. 28.	May 2.	May 16.	May 20.
Gildart's (or Sherwen's)	[*Estate*]	Lords Bill.	July 3.	July 8.	July 24.	May 16.	May 22.	July 1.	July 31.
Glasgow	[*Bridges*]	Feb. 25.	Mar. 17.	Apr. 4.	May 23.	May 26.	June 12.	June 27.	July 21.
Glasgow Harbour Union	[*Railway*]	Apr. 3.							
Glasgow	[*Markets*]	Feb. 27.	Mar. 19.	Apr. 11.	June 3.	June 3.	June 9.	June 16.	June 30.
Glasgow	[*Police*]	Feb. 28.	Mar. 19.	Apr. 8.					
Glasgow and Shotts	[*Road*]	Feb. 25.	Mar. 18.	Apr. 4.	May 1.	May 2.	May 6.	May 16.	May 20.
Glasgow, Barrhead, and Neilston Direct	[*Railway*]	Mar. 14.	Apr. 25.	May 2.	July 10.	July 11.	July 18.	July 29.	Aug. 4.
Glasgow, Dumfries & Carlisle	[*Railway*]	Feb. 5.	Feb. 25.	Mar. 3.					
Glasgow, Garnkirk, and Coatbridge	[*Railway*]	Feb. 27.	Mar. 19.	Apr. 11.	June 17.	June 17.	June 23.	June 27.	June 30.
Glasgow Junction	[*Railway*]	Feb. 6.	Mar. 7.	Apr. 14.	July 4.	July 4.	July 11.	July 29.	Aug. 4.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Glasgow, Paisley, Kilmarnock, and Ayr (Barrhead Branch)	[*Railway*]	Feb. 6.	Mar. 7.	Mar. 17.					
Glasgow, Paisley, Kilmarnock and Ayr (Cumnock Extension)	[*Railway*]	In pursuance of Instruction to Committee on the above Bill.			June 19.	June 19.	June 27.	July 3.	
Glossop	[*Gas*]	Feb. 27.	Mar. 12.	Apr. 7.	June 19.	June 30.	July 3.	July 11.	July 21.
Gloucester and Dean Forest	[*Railway*]	Mar. 31.							
Goole and Doncaster	[*Railway*]	Apr. 10.	May 26.	May 30.					
Grand Junction	[*Railway*]	Mar. 7.	Apr. 10.	Apr. 28.					
Gravesend and Rochester	[*Railway*]	Mar. 20.	Apr. 24.	May 9.	July 17.	July 18.	July 24.	July 28.	July 31.
Great Grimsby and Sheffield Junction	[*Railway*]	Feb. 10.	Feb. 25.	Mar. 3.	May 29.	June 6.	June 13.	June 24.	June 30.
Great North of England (Clarence & Hartlepool Junction)	[*Railway*]	Mar. 19.	Apr. 11.	May 9.	June 27.	June 27.	July 4.	July 10.	July 21.
Great North of England and Richmond	[*Railway*]	In pursuance of Instruction to Committee on Harrogate and Ripon Junction Railway to divide the Bill into two Bills.			June 6.	June 6.	June 23.	July 4.	July 21.
Great Southern and Western (Ireland)	[*Railway*]	Feb. 18.	Mar. 13.	Apr. 7.	June 23.	June 23.	July 4.	July 11.	July 21.
Great Western, (Ireland) (Dublin to Mullingar and Athlone)	[*Railway*]	Mar. 20.	May 9.	May 15.	June 27.	June 27.	July 4.	July 10.	July 21.
Greenwich Colliery	[*Railway*]	Motion.	Feb. 17.	Apr. 7.					
Gresham	[*Avenue*]	Feb. 28.							
Grimsby	[*Docks*]	May 9.	May 23.	June 2.	July 24.	July 24.	July 29.	Aug. 1.	Aug. 8.
Guildford, Chichester, and Portsmouth	[*Railway*]	Feb. 5.	Feb. 26.	Mar. 3.	July 11.	July 11.	July 18.		
Guildford Junction	[*Railway*]	Feb. 28.	May 1.	May 9.	June 5.	June 6.	June 23.	July 3.	July 21.
Hamilton	[*Gas*]	Feb. 28.							
Harrogate and Ripon Junction	[*Railway*]	Feb. 27.	Mar. 14.	Apr. 8.					
Hartlepool	[*Pier and Port*]	Feb. 27.	Mar. 12.	Apr. 14.	June 19.	June 23.	June 26.	July 1.	July 21.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Harwell and Streatley	[*Road*]	Feb. 13.	Mar. 4.	Apr. 16.	June 16.	June 16.	June 26.	July 17.	July 21.
Harwich	[*Railway*]	Apr. 21.							
Harwich and Eastern Counties Junction	[*Railway*] (No. 1)	Mar. 5.							
Harwich and Eastern Counties Junction	[*Railway*] (No. 2)	Apr. 8.							
Hawkins's	[*Estate*]	Lords Bill.	June 17.	June 27.	July 24.	May 16.	May 23.	June 13.	July 31.
Heaviside's	[*Divorce*]	Lords Bill.	June 27.	July 11.	July 21.	May 19.	June 17.	June 26.	July 31.
Hemel Hempsted	[*Small Tenements*]	Feb. 27.	Mar. 13.	Apr. 15.	May 19.	May 19.	May 22.	June 2.	June 30.
Heywood (No. 1)	[*Waterworks*]	Feb. 12.							
Heywood (No. 2)	[*Waterworks*]	Feb. 12.	Withdrawn.						
Hill's	[*Estate*]	Lords Bill.	...	...	. .	May 30.	June 13.		
Huddersfield	[*Waterworks*]	Feb. 24.	Mar. 11.	Apr. 8.	May 7.	May 8.	May 20.	May 23.	June 30.
Huddersfield and Manchester	[*Railway & Canal*]	Feb. 10.	Feb. 25.	Mar. 3.	May 28.	May 30.	June 5.	July 3.	July 21.
Huddersfield and Sheffield Junction	[*Railway*]	Feb. 14.	Feb. 27.	Mar. 4.	May 28.	May 30.	June 5.	June 16.	June 30.
Hull and Gainsborough	[*Railway*]	Mar. 7.							
Hull and Selby (Bridlington Branch)	[*Railway*]	Feb. 6.	Feb. 20.	Feb. 24.	May 30.	June 2.	June 13.	June 23.	June 30.
Hungerford and Lambeth	[*Suspension Foot Bridge*]	Feb. 28.	Mar. 20.	Apr. 14.	May 7.	May 8.	May 19.	May 30.	June 30.
Irish Great Western (Dublin to Galway)	[*Railway*]	Mar. 10.	May 8.	May 23.	July 4.	July 4.	July 17.		
Kendal	[*Reservoirs*]	Feb. 28.	Mar. 13.	Apr. 23.	June 16.	June 16.	June 19.	June 26	July 21.
Kendal and Windermere	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 24.	June 5.	June 5.	June 13.	June 23.	June 30.
Keyingham	[*Drainage*]	Feb. 27.	Mar. 20.	Apr. 9.	June 26.	June 26.	July 1.	July 10.	July 21.
Kidwelly	[*Inclosure*]	Feb. 27.	Mar. 12.	Apr. 16.	June 9.	June 9.	June 12.	June 26.	July 21.
Kingston upon Hull	[*Docks*]	Feb. 5.	Feb. 19.	Feb. 24.	Apr. 14.	Apr. 15.	Apr. 17.	Apr. 28.	May 8.
Kingstown and Bray	[*Railway*]	Mar. 5.							
Labouring Classes Improvement	[*Society*]	Feb. 6.	Feb. 19.						
Lady's Island and Tacumshin	[*Embankment*]	Feb 28.	Apr. 17.	May 23.	July 11.	July 14.	July 17.	July 22.	July 31.

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS. PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	COMMONS. BILL READ 1°.	COMMONS. BILL READ 2°.	COMMONS. BILL READ 3°.	LORDS. BILL READ 1ª.	LORDS. BILL READ 2ª.	LORDS. BILL READ 3ª.	ROYAL ASSENT.
ncaster and Carlisle	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 24.	June 13.	June 13.	June 23.	July 1.	July 21.
nceston and South Devon	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 17.					
eds and Bradford Extension (Shipley to Colne)	[*Railway*]	Feb. 6.	Feb. 19.	Feb. 24.	May 28.	May 30.	June 5.	June 16.	June 30.
eds and Bradford Railway	[*Mistake Rectifying*]	Lords Bill.	July 29.	July 30.	July 30.	July 28.	July 29.	July 29.	Aug. 4.
eds and Thirsk	[*Railway*]	Feb. 14.	Feb. 27.	Mar. 4.	June 13.	June 16.	June 24.	July 4.	
eds and West Riding Junction	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	June 5.	June 5.	June 13.		
eds, Dewsbury, and Manchester Junction	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	May 28.	May 30.	June 5.	June 16.	June 30.
icester Freemen's	[*Allotments*]	Feb. 11.	Feb. 27.	Mar. 13.	June 5.	June 5.	June 9.	June 17.	June 30.
verpool	[*Docks*]	Feb. 6.	Feb. 19.	Feb. 24.	Apr. 24.	May 2.	May 6.	May 19.	May 20.
verpool and Bury (Bolton Wigan, and Liverpool and Bury Extension)	[*Railway*]	Feb. 28.	Apr. 4.	Apr. 21.	June 26.	June 26.	July 7.	July 18.	July 31.
verpool Guardian	[*Gas*]	Feb. 25.	Mar. 12.	Mar. 18.					
verpool and Manchester	[*Railway*]	Apr. 9.	May 1.	May 16.	June 27.	June 27.	July 4.	July 10.	July 21.
verpool and Manchester, North Union, Bolton and Leigh, and Kenyon and Leigh Junction Railway Companies Amalgamation		May 19.							
verpool, Ormskirk, and Preston	[*Railway*]	Apr. 9.							
verpool, Ormskirk, and Preston (Skelmersdale Branch)	[*Railway*]	Apr. 9.							
ondon and Birmingham	[*Railway*]	Mar. 20.							
ondon and Brighton (Dorking Branch)	[*Railway*]	Apr. 3.							
ondon and Brighton (Horsham Branch)	[*Railway*]	Apr. 15.	May 1.	May 9.	June 20.	June 23.	July 1.	July 5.	July 21.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
London and Brighton (Wandsworth Branch)	[*Railway*]	Apr. 3.	June 2.	June 13.					
London and Croydon (Chatham and Gravesend)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon (Chatham to Chilham)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon Enlargement, Orpington Branch	[*Railway*]	Mar. 5.	Withdrawn.						
London and Croydon (Kentish Lines)	[*Railway*]	Mar. 5.							
London and Croydon (Maidstone, Ashford, and Tonbridge)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon (Orpington Branch)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon	[*Railway Enlargement*]	Mar. 20.	May 5.	May 15.	July 23.	July 24.	Aug. 1.	Aug. 4.	Aug. 8.
London and Greenwich	[*Railway*]	Feb. 27.	Mar. 12.	Apr. 23.	June 10.	June 10.	June 13.	June 26.	July 21.
London and Norwich Direct	[*Railway*]	Mar. 31.	Apr. 28.	May 5.					
London and South Western (Epsom Branch)	[*Railway*]	Apr. 3.							
London and South Western (Metropolitan Extension)	[*Railway*] (No. 1)	Feb. 5.	Feb. 19.	Feb. 24.	July 4.	July 4.	July 14.	July 22.	July 31.
London and South Western	[*Railway*] (No. 2)	Feb. 28.	Mar. 13.	Mar. 31.	July 2.	July 3.	July 5.	July 28.	Aug. 4.
London and Worcester and South Staffordshire (Dudley and Sedgley Branch	[*Railway*]	Mar. 19.	Apr. 17.	May 2.					
London and York	[*Railway*]	Feb. 6.	Feb. 21.	Mar. 3.	Aug. 4.	Aug. 4.			
London, Chatham, and North Kent	[*Railway*]	Feb. 28.	Apr. 28.	May 2.					
Londonderry and Coleraine	[*Railway*]	Apr. 3.	May 7.	May 19.	June 17.	June 23.	July 11.	July 25.	Aug. 4.
Londonderry and Enniskillen	[*Railway*]	Apr. 3.	May 2.	May 9.	June 17.	June 23.	July 1.	July 5.	July 21.

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
London Orphan	[*Asylum*]	Feb. 26.	Mar. 12.	Mar. 31.	Apr. 24.	Apr. 24.	Apr. 28.	May 5.	May 8.
London, Worcester, and South Staffordshire (Extension from Dudley to Wolverhampton	[*Railway*]	Mar. 20.	Apr. 23.	May 2.					
London, Worcester, and South Staffordshire	[*Railway*]	Feb. 14.	Mar. 7.	Mar. 14.					
Lowestoft	[*Railway & Harbour*]	Feb. 27.	Mar. 14.	Apr. 4.	June 6.	June 6.	June 13.	June 19.	June 30.
Lutwidge's (or Fletcher's)	[*Estate*]	Lords Bill	July 23.	July 30.	Aug. 4.	June 3.	June 12.	July 22.	Aug. 8.
Lyme Regis	[*Improvem. Mark. & Waterw.*]	Feb. 28.	Apr. 4.	Apr. 18.	June 24.	June 24.	June 27.	July 7.	July 21.
Lynn and Dereham	[*Railway*]	Mar. 20.	Apr. 7.	Apr. 21.	June 23.	June 23.	July 1.	July 11.	July 21.
Lynn and Ely	[*Railway*]	Feb. 14.	Mar. 4.	Mar. 10.	May 30.	June 6.	June 12.	June 24.	June 30.
Manchester	[*Court of Record*] (No. 1)	Feb. 28.	Mar. 14.	Withdrawn.					
Manchester	[*Court of Record*] (No. 2)	Motion.	Apr. 25.	May 7.	June 11.	June 12.	June 16.	June 26.	July 21.
Manchester	[*Improvement*]	Feb. 28.	Mar. 19.	Apr. 14.	June 11.	June 12.	June 16.	July 1.	July 21.
Manchester and Birmingham (Ashton Branch)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	June 19.	June 19.	July 1.	July 5.	July 21.
Manchester and Buxton	[*Railway*]	Feb. 13.							
Manchester and Leeds	[*Railway*] (No. 1)	Feb. 5.	Feb. 19.	Feb. 24.	Withdrawn.				
Manchester and Leeds	[*Railway*] (No. 2)	Motion.	July 4.	July 6.	July 23.	July 24.	July 25.	July 29.	July 31.
Manchester and Leeds (Burnley Branch and Oldham and Heywood Branches Extension)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	May 28.	May 30.	June 13.	June 23.	June 30.
Manchester and Salford	[*Waterworks*]	Feb. 17.	Mar. 4.	Mar. 10.	Withdrawn.				
Manchester, Bury, and Rossendale	[*Railway*]	Feb. 27.	Mar. 13.	Apr. 8.	June 23.	June 23.	June 26.	July 3.	July 21.
Manchester, Bury, and Rossendale (Heywood Branch)	[*Railway*]	Feb. 14.	Feb. 28.	Mar. 4.	Withdrawn.				
Manchester Division	[*Stipendiary Magistrate*]	Feb. 7.	Feb. 20.	Feb. 24.	Apr. 16.	Apr. 17.	Apr. 21.	Apr. 25.	May 8.
Manchester, Leeds, and Hull Associated	[*Railway Companies*]	Feb. 28.	Mar. 19.	Withdrawn.					
Manchester, Sheffield, and Midland Junction	[*Railway*]	Mar. 7.	Mar. 20.	Apr. 15.					

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		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Manchester South Junction and Altrincham	[*Railway*]	Feb. 10.	Feb. 25.	Mar. 3.	June 23.	June 23.	July 1.	July 5.	July 21.
Marsh's (or Coxhead's)	[*Estate*]	Lords Bill.	July 21.	July 25.	Aug. 4.	July 8.	July 10.	July 21.	Aug. 8.
Middlesbro' and Redcar	[*Railway*]	Feb. 27.	Mar. 19.	Apr. 8.	June 30.	June 30.	July 7.	July 14.	July 21.
Middlesex	[*County Rate*]	Feb. 26.	Mar. 20.	Apr. 14.	May 5.	May 6.	May 16.	May 22.	June 30.
Midland Branches	[*Railway*]	Mar. 6.	Mar. 20.						
Midland (Ely to Lincoln)	[*Railways*]	Feb. 27.	Mar. 13.	Mar. 31.					
Midland (Nottingham to Lincoln)	[*Railways*]	Feb. 27.	Mar. 14.	Mar. 31.	June 2.	June 2.	June 10.	June 24.	June 30.
Midland Railways Company (Birmingham and Gloucester and Bristol and Gloucester)	[*Railways Purchase*]	Mar. 20.							
Midland (Swinton to Lincoln)	[*Railways*]	Feb. 27.	Mar. 14.	Mar. 31.					
Midland (Syston to Peterboro')	[*Railways*]	Feb. 27.	Mar. 14.	Mar. 31.	June 2.	June 3.	June 13.	June 24.	June 30.
Molyneux's	[*Estate*] L.	Lords Bill.	May 19.	June 2.	June 18.	Apr. 22.	Apr. 25.	May 19.	June 30.
Molyneux (or Follett's)	[*Estate*]	Lords Bill.	July 18.	July 22.	Aug. 4.	June 23.	June 30.	July 18.	Aug. 8.
Monkland and Kirkintilloch	[*Railway*]	Feb. 5.	Feb. 25.	Mar 3.	June 16.	June 16.	June 19.	June 24.	June 30.
Monmouth and Hereford	[*Railway*]	Mar. 5.	Apr. 10.	Apr. 22.	July 14.	July 14.	July 12.	July 31.	Aug. 4.
Monson's (Lord)	[*Estate*]	Lords Bill.	June 27.	July 7.	July 24.	May 16.	May 20.	June 26.	July 31.
Morden College	[*Estate*]	Lords Bill.	June 26.	July 7.	July 24.	May 8.	May 16.	June 26.	July 31.
Newark and Sheffield	[*Railway*]	Feb. 26.	Mar. 12.	Mar. 17.					
Newcastle and Berwick	[*Railway*]	Feb. 11.	Mar. 4.	Mar. 10.	June 11.	June 12.	June 23.	July 2.	July 31.
Newcastle and Darlington (Brandling Junction)	[*Railway*]	Feb. 12.	Mar. 3.	Mar. 7.	June 16.	June 16.	June 24.	July 1.	July 21.
Newcastle upon Tyne	[*Coal Turn*]	Feb. 18.	Mar. 13.	Apr. 4.	June 5.	June 12.	June 16.	June 24.	June 30.
Newcastle upon Tyne	[*Port*]	Feb. 28.	Mar. 13.	Apr. 1.	May 5.	May 5.	May 8.	May 30.	June 30.
Newcastle upon Tyne and North Shields (Tynemouth Extension, &c.)	[*Railway*]	Feb. 18.	Mar. 13.	Apr. 1.	June 10.	June 10.	June 19.	June 26.	June 30.
Newport and Pontypool	[*Railway*]	Feb. 24.	Mar. 12.	Apr. 11.	July 1.	July 3.	July 14.	July 21.	July 31.
Newry and Enniskillen	[*Railway*]	Mar. 7.	Apr. 11.	Apr. 25.	June 27.	June 27.	July 4.	July 14.	July 21.
North British	[*Insurance Company*]	Feb. 28.	Mar. 20.	Apr. 14.	June 17.	June 17.	June 19.	June 26.	June 30.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
North British	[*Railway*]	Feb. 18.	Mar. 10.	Mar. 17.	June 6.	June 6.	June 13.	June 26.	July 21.
Northumberland	[*Railway*]	Mar. 4.	Apr. 7.	Apr. 21.					
North Union and Ribble Navigation Branch	[*Railway*]	Mar. 5.	Mar. 19.	Apr. 14.	June 27.	June 27.	July 7.	July 14.	July 21.
North Wales	[*Railway*]	Mar. 20.	Apr. 16.	Apr. 28.	June 19.	June 19.	June 30.	July 5.	July 21.
North Wales Mineral	[*Railway*]	Apr. 8.	Apr. 28.	May 5.	June 20.	June 23.	July 1.	July 10.	July 21.
North Walsham School	[*Estate*]	Lords Bill.	July 11.	July 18.	Aug. 4.	June 4.	June 23.	July 11.	Aug. 8.
North Woolwich	[*Railway*]	Feb. 27.	Mar. 18.	Apr. 7.	June 19.	June 19.	June 27.	July 3.	July 21.
Norwich and Brandon Deviation (and Diss and Dereham) Branches	[*Railway*]	Feb. 6.	Feb. 27.	Mar. 3.	July 4.	July 4.	July 11.	July 18.	July 31.
Nottingham	[*Inclosure*]	Feb. 28.	Mar. 13.	Apr. 1.	May 7.	May 8.	May 19.	June 4.	June 30.
Nottingham	[*Waterworks*]	Feb. 10.	Feb. 25.	Mar. 3.	May 23.	May 26.	June 2.	June 10.	June 30.
Onslow's (Earl of) or Elleker's	[*Estate*]	Lords Bill.	June 27.	July 7.	July 25.	May 23.	May 30.	June 2[illegible]	July 31.
Oxford	[*Mileways*]	Feb. 24.	Mar. 12.						
Oxford and Rugby	[*Railway*]	Feb. 20.	Mar. 5.	Mar. 10.	June 24.	June 24.	July 4.	July 29.	Aug. 4.
Oxford, Worcester, and Wolverhampton	[*Railway*]	Mar. 6.	Mar. 19.	Apr. 8.	June 24.	June 24.	July 4.	July 29.	Aug. 4.
Paisley	[*Gas*]	Feb. 21.	Mar. 12.	Mar. 31.	Apr. 25.	Apr. 28.	May 2.	June 3.	June 30.
Plymouth and Stonehouse	[*Gas*]	eb. 6.	Feb. 19.	Mar. 3.	Apr. 21.	...	May 5.	May 22.	June 30.
Portarlington and Tullamore	[*Railway*]	Apr. 10.							
Powis's (Earl of) or Robinson's	[*Estate*]	Lords Bill.	July 31.	Aug. 1.	Aug. 4.	July 17.	July 18.	July 31.	Aug. 8.
Preston and Wyre	[*Railway Branches*	Mar. 20.	Apr. 10.	Apr. 22.	June 30.	June 30.	July 11.	July 17.	July 21.
Pudsey	[*Gas*]	Feb. 5.	Feb. 19.	Feb. 24.	Apr. 2.	Apr. 3.	Apr. 5.	May 19.	June 30.
Quinborowe	[*Borough*]	Feb. 28.	Mar. 19.	Apr. 14.	June 6.	June 6.	June 24.	July 4.	July 21.
Reversionary Interest	[*Society*] (No. 1)	Feb. 28.							
Reversionary Interest	[*Society*] (No. 2)	Apr. 9.	Apr. 23.	Apr. 30.	June 16.	June 16.	June 24.	July 14.	July 21.
Richmond (Surrey)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	June 27.	June 27.	July 4.	July 10.	July 21.
Rochdale Vicarage (Molesworth's)	[*Estate*]	Lords Bill.	June 16.	June 27.	July 31.	May 8.	May 19.	June 16.	Aug. 4.
Rothwell	[*Gaol*]	Motion	June 30.	July 11.	July 18.	July 21.	July 24.	July 28.	July 31.
Royal Naval	[*School*]	Feb. 28.	Mar. 19.	Apr. 14.	May 5.	May 6.	May 16.	May 26.	June 30.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Runcorn and Preston Brook	[*Railway and Docks*]	Mar. 17.	Apr. 10.	Apr. 28	July 1.	July 1.	July 11.		
Rye and Tenterden	[*Railway*]	Mar. 5.	Mar. 19.	Apr. 8.					
St. Helen's	[*Canal and Railway*]	Feb. 28.	Mar. 13.	Apr. 4.	July 7.	July 7.	July 10.	July 14.	July 21.
St. Helen's	[*Improvement*]	Feb. 25.	Mar. 12.	Apr. 4.	June 23.	June 30.	July 4.	July 18.	July 31.
St. Ives Junction	[*Railway*]	Mar. 20.	Apr. 8.	Apr. 21.					
St. Matthew, Bethnal Green	[*Rectory*]	Feb. 28.	Mar. 18.	Apr. 18.	July 9.	July 10.	July 12.	July 17.	July 31.
Sampson's	[*Estate*]	Lords Bill.	July 17.	July 25.	Aug. 4.	June 13.	June 24.	July 17.	Aug. 8.
Sandy's (Lady) or Turner's	[*Estate*]	Lords Bill.	June 17.	June 24.	July 10.	May 2.	May 6.	June 17.	July 21.
Scarborough	[*Waterworks*]	Feb. 19.	Mar. 5.	Mar. 10.	May 16.	May 16.	May 20.	May 30.	June 30.
Scottish Central	[*Railway*]	Feb. 11.	Mar. 4.	Mar. 10.	June 2.	June 2.	June 9.	July 22.	July 31.
Scottish Midland Junction	[*Railway*]	Mar. 19.	Apr. 9.	Apr. 22.	June 30.	June 30.	July 5.	July 22.	July 31.
Severne's	[*Estate*]	Lords Bill.	July 25.	July 30.	Aug. 4.	June 16.	June 19.	July 25.	Aug. 8.
Shaw's	[*Waterworks*]	Feb. 25.	Mar. 17.	Apr. 4.	June 17.	June 17.	June 23.	June 27.	June 30.
Sheffield	[*Waterworks*]	Feb. 18.	Mar. 5.	Mar. 17.	June 26.	June 26.	June 30.	July 22.	July 31.
Sheffield & Lincolnshire Junction	[*Railway*]	Feb. 11.	Mar. 12.	Mar. 17.					
Sheffield and Rotherham	[*Railway*]	Mar. 6.	Mar. 31.	Apr. 28.	June 16.	June 16.	June 24.	June 30.	July 21.
Sheffield and Tinsley	[*Canal*]	Feb. 27.	Mar. 12.	Apr. 14.					
Sheffield Ashton-under-Lyne and Manchester	[*Railway*]	Feb. 27.	Mar. 12.	Mar. 31.	Withdrawn.				
Shelsley	[*Road*]	Feb. 25.	Mar. 12.	Mar. 17.	Apr. 24.	Apr. 24.	Apr. 28.	May 6.	May 8.
Shepley Lane Head & Barnsley	[*Road*]	Feb. 28.	Mar. 14.	Apr. 7.	June 30.	June 30.	July 3.	July 8.	
Shrewsbury and Birmingham	[*Railway*]	Feb. 6.							
Shrewsbury and Grand Junction	[*Railway*]	Mar. 18.							
Shrewsbury, Oswestry, and Chester Junction	[*Railway*]	Feb. 28.	Mar. 13.	Mar. 31.	May 28.	May 30.	June 12.	June 19.	June 30.
Shuldam's	[*Divorce*]	Lords Bill.	Aug. 2.	Aug. 4.	Aug. 5.	July 14.	Aug. 1.	Aug. 2.	Aug. 8.
Simmonds'	[*Divorce*]	Lords Bill.	...	...	...	June 12.			
Skerries	[*Harbour*]	Feb. 28.	May 16.						
Southampton	[*Docks*]	Feb. 14.	Mar. 3.	Mar. 10.	May 15.	May 16.	May 20.	May 30.	June 30.
Southampton and Dorchester	[*Railway*]	Mar. 4.	Apr. 4.	Apr. 21.	June 2.	June 2.	June 16.	July 1.	July 21.
South Devon (Tavistock and other Branches)	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 17.					

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		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
South Eastern	[*Railway*]	Feb. 18.							
South Eastern (Ashford to Hastings	[*Railway*]	Mar. 20.	Apr. 28.	May 5.					
South Eastern (Branch to Deal, and Extension of the South Eastern, Canterbury, Ramsgate and Margate)	[*Railway*]	Mar. 20.	Apr. 22.	Apr. 30.	July 24.	July 25.	July 31.	Aug. 5.	Aug. 8.
South Eastern (Hungerford Bridge to Chilham with Branches)	[*Railway*]	Mar. 20.							
South Eastern (Lewisham to Tunbridge and Paddock Wood)	[*Railway*]	Mar. 20.							
South Eastern (Maidstone to Rochester)	[*Railway*]	Mar. 20.	Apr. 22.	Apr. 30.					
South Eastern (Tunbridge to Tunbridge Wells)	[*Railway*]	Mar. 20.	Apr. 28.	May 5.	July 14.	July 14.	July 22.	July 28.	July 31.
South Eastern (Widening and Extension of the London and Greenwich)	[*Railway*]	Mar. 20.	Apr. 28.	May 5.	July 18.	July 18.	July 24.	July 28.	Aug. 4.
Southport and Euxton Junction	[*Railway*]	Mar. 4.	Mar. 19.	Apr. 14.					
South Wales	[*Railway*]	Feb. 26.	Mar. 19.	Apr. 11.	July 14.	July 14.	July 21.	July 31.	Aug. 4.
Southwark and Vauxhall	[*Waterworks*]	Feb. 27.	Mar. 12.	Mar. 18.	May 5.	May 6.	May 16.	May 22.	June 30.
Sparrows Herne	[*Road*]	Feb. 7.	Feb. 20.	Feb. 25.	Apr. 4.	Apr. 7.	Apr. 11.	Apr. 17.	May 8.
Spoad (Clun), &c.	[*Inclosure*]	Feb. 26.	Apr. 7.	Apr. 23.	June 2.	June 2.	June 4.	June 10.	June 30.
Staines and Richmond	[*Railway*]	Apr. 2.							
Stalybridge	[*Waterworks*]	Feb. 24.	Mar. 11.	Mar. 19.	June 19.	June 19.			
Standard Life Assurance	[*Company*]	Feb. 19.	Mar. 12.	Mar. 31.	May 23.	May 26.	June 2.	June 10.	June 30.
Stokenchurch	[*Road*]	Feb. 26.	Mar. 14.	Apr. 4.	June 2.	June 2.	June 4.	June 16.	June 30.
Stoke upon Trent	[*Market*]	Feb. 28.	Mar. 13.	Apr. 4.	May 9.	May 16.	May 20.	May 23.	June 30.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.			LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Sunderland, Durham, and Auckland Union	[*Railway*]	Apr. 17.							
Surrey Iron Railway	[*Company Dissolving*]	Feb. 24.							
Surrey and Sussex	[*Roads*]	Feb. 19.	Mar. 5.	Mar. 10.	May 2.	May 2.	May 6.	May 16.	May 20.
Taff Vale	[*Railway*]	May 19.							
Taunton	[*Gas*]	Feb. 12.	Feb. 26.	Apr. 10.	June 2.	June 2.	June 4.	June 23.	June 30.
Taw Vale	[*Railway & Dock*]	Feb. 28.	Mar. 19.	Apr. 14.	June 16.	June 16.	June 30.	July 5.	July 21.
Thames and Medway	[*Canal*]	Feb. 14.							
Thames Navigation	[*Debt*]	Feb. 10.	Feb. 25.	Mar. 3.	Apr. 10.	Apr. 11.	Apr. 15.	Apr. 18.	Apr. 24.
Totness	[*Markets & Waterworks*] (No. 1)	Feb. 28.	Apr. 4.	Withdrawn.					
Totness	[*Markets & Waterworks*] (No. 2.)	Motion.	Apr. 16.	Apr. 28.	June 24.	June 24.	June 27.	July 4.	July 21.
Tottenham and Farringdon Street Extension	[*Railway*]	Apr. 4.	May 2.	May 16.					
Tranmere	[*Docks*]	Feb. 28.					June 27.		
Trent Valley	[*Railway*]	Feb. 20.	Mar. 6.	Mar. 11.	June 9.	June 10.	July 1.	July 7.	July 21.
Ulster Extension	[*Railway*]	Feb. 14.	Mar. 5.	Mar. 10.	June 23.	June 23.	July 1.	July 5.	July 21.
Wakefield, Pontefract, and Goole	[*Railway*]	Feb. 5.	Feb. 26.	Mar. 3.	June 30.	June 30.	July 8.	July 25.	July 31.
Wallasey	[*Improvement*]	Feb. 14.	Feb. 27.	Mar. 4.	Apr. 21.	Apr. 21.	Apr. 25.	Apr. 29.	May 8.
Waterford and Kilkenny	[*Railway*]	Feb. 20.	Mar. 17.	Apr. 4.	June 16.	June 16.	June 24.	July 1.	July 21.
Waterford and Limerick	[*Railway*]	Mar. 7.	Apr. 23.	Apr. 30.	June 19.	June 19.	July 4.	July 14.	July 21.
Waterman's Company	[*Poor's & Endowment Fund*]	Feb. 27.	Mar. 12.	Apr. 15.	May 29.	May 30.	June 3.	June 16.	June 30.
Wear Valley	[*Railway*]	Feb. 27.	Mar. 19.	Apr. 8.	June 30.	June 30.	July 8.	July 17.	July 31.
Wells and Dereham	[*Railway*]	Mar. 20.							
West Cornwall	[*Railway*]	Feb. 18.	Mar. 5.	Mar. 10.					
West London	[*Railway*]	Apr. 21.	May 26.	June 2.	June 26.	June 26.	July 7.	July 21.	July 31.
Westminster	[*Improvement*] (No. 1)	Feb. 28.	Mar. 19.	Withdrawn					
Westminster	[*Improvement*] (No. 2)	Motion.	Apr. 16.	May 5.	June 26.	June 26.	June 30.	July 21.	July 31.
Westminster's (Marquess of)	[*Estate*]	Lords Bill	Aug. 4.	Aug. 4.	Aug. 5.	July 10.	July 22.	Aug. 4.	Aug. 9.
West of London and Westminster	[*Cemetery*]	Feb. 21.	Mar. 10.	Mar. 18.	June 9.	June 10.	June 13.	June 23.	June 30.
West Yorkshire	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.					

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Wexford, Carlow, and Dublin Junction	[*Railway*]	Mar. 3.	Apr. 11.	Apr. 25.					
Whitby and Pickering	[*Railway*]	Feb. 7.	Feb. 27.	Mar. 4.	May 30.	June 2.	June 12.	June 23.	June 30.
Whitehaven and Furness Junction	[*Railway*]	Apr. 15.	May 9.	May 15.	June 19.	June 19.	June 27.	July 3.	July 21.
White's (Sir Thomas) Charity	[*Estate*]	Lords Bill.	June 30.	July 14.	July 31.	May 2.	May 16.	June 27.	Aug. 4.
Whittle Dean	[*Waterworks*]	Feb. 28.	Mar. 19.	Apr. 14.	May 26.	May 26.	June 2.	June 10.	June 30.
Wilts, Somerset, and Weymouth	[*Railway*]	Mar. 3.	Apr. 7.	Apr. 21.	May 29.	May 30.	June 10.	June 24.	June 30.
Winchester College	[*Estate*]	Lords Bill.	July 18.	July 25.	Aug. 4.		July 5.	July 18.	Aug. 8.
Winwick	[*Rectory*]	Feb. 24.	Mar. 13.	Apr. 1.	May 5.	May 6.	May 19.	July 3.	July 21.
Wolverhampton	[*Waterworks*]	Feb. 28.	Mar. 17.	Apr. 4.	June 19.	June 19.	June 24.	June 30.	July 21.
Yarmouth and Norwich	[*Railway*]	Feb. 28.	Mar. 19.	Apr. 14.	June 6.	June 6.	June 13.	June 19.	June 30.
Yoker	[*Road*] (No. 1)	Feb. 21.	Mar. 17.	Apr. 4.	June 2.	June 2.	June 17.		
Yoker	[*Road*] (No. 2)	Motion.	June 30.	July 7.	July 17.	July 18.	July 22.	July 25.	Aug. 4.
York and North Midland (Bridlington Branch)	[*Railway*]	Feb. 14.	Feb. 28.	Mar. 5.	May 30.	June 2.	June 10.	June 23.	June 30.
York and North Midland (Doncaster Extension)	[*Railway*]	Feb. 27.	Mar. 12.	Mar. 18.					
York and North Midland (Goole Branch)	[*Railway*]	Feb. 14.	Mar. 5.	Mar. 10.					
York and North Midland (Harrogate Branch	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 18.	June 13.	June 13.	June 23.	June 27.	July 21.
York and Scarborough (Deviation)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	May 30.	June 2.	June 10.	June 17.	June 30.

ERRATA.

Vol. LXXXI. p. *1334, line 3 from bottom, *for* farmhouse, *read* Palm House.

Vol. LXXXII. „ 11, line 10, *for* June 3, *read* July 3.

„ „ 379, in Division List—Tellers, *for* Oswald, Capt., *read* Osborne, Capt.

„ „ 488, line 14, *for* that the Clause be added, *read* that the Proviso be added.

„ „ 617, line 21, *for* Bill *read* 2ª, *read* Bill *read* 1ª.

„ „ 892, line 24, *for* That the Salary be 1,200*l.* a year instead of 1,500*l.*, *read* That the Salary be 200*l.* a year instead of 500*l.* a year.

„ „ 1138, line 6, *for* 3° and passed, *read* Reported.

END OF VOL. LXXXII, AND OF SESSION 1845.